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PROCEEDINGS OF THE MYSORE LEGISLATIVE COUNCIL.

Proceedings of the Mysore Legislative Council held on the 11th August 1923.

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PROCEEDINGS OF THE LEGISLATIVE COUNCIL.

Proceedings of the meeting of the Legislative Council held on the 11th August 1923.

A. R. BANERJI, ESQ., C.S.I., C.I.E., DEWAN (*Presiding*).

Ex-officio Members.

MIR HAMZA HUSEIN, ESQ., B.A., B.L.,
Offg. First Member of Council.

K. R. SRINIVASIENGAR, ESQ., M.A.,
Offg. Second Member of Council.

PRESENT.

Official Members.

1. K. CHANDY, ESQ., B.A.
2. A. SUBRAHMANYA IYER, ESQ., B.A.
3. S. CADAMBI, ESQ., B.A., L.C.E.
4. C. S. BALASUNDARAM IYER, ESQ., B.A.
5. K. MATTHAN, ESQ., B.A.
6. RAJAKARYAPRASAKTHA M. N. KRISHNA RAO, B.A.
7. P. G. D'SOUZA, ESQ., B.A., B.L.
8. B. RAMASWAMAIYA, ESQ., B.A., B.L.
9. B. VENKOBA RAO, ESQ., B.A.
10. K. SHANKARNARAYANA RAO, ESQ., M.A., B.L.

Non-official Members.

1. RAJASABHABHUSHANA DIWAN BAHADUR K. P. PUTTANNA CHETTY, C.I.E.
2. RAJAKARYAPRASAKTHA RAO BAHADUR M. SHAMA RAO, M.A.
3. RAO BAHADUR M. C. RANGIENGAR, B.A.
4. MD. ABBAS KHAN, ESQ.
5. B. N. VIJAYADEVA, ESQ., M.A., BAR.-AT-LAW.
6. B. V. RAMASWAMY CHETTY, ESQ., B.A.
7. D. VENKATESAIYA, ESQ., B.A., B.L.
8. H. VENKATRAMAIYA, ESQ., B.A., B.L.
9. N. S. NANJUNDAIYA, ESQ.
10. N. G. BASAVAPPA, ESQ.
11. M. ANANTHAIYA SETTY, ESQ.
12. RAO SAHEB H. CHENNAIYA.
13. M. RAMACHANDRA RAO, ESQ., B.A., B.L.
14. B. ABDUR RAHMON, ESQ., B.A.
15. G. PARAMASIVIAH, ESQ., B.A., LL.B.

Absent.

DR. H. B. MYLVAGANAM.
H. KRISHNA RAO, ESQ.

C. ABDUL GHANI, ESQ., B.A., B.L.
Secretary.

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I. SECRETARY'S REPORT.

The Secretary reported to the Council:—

(*a*) That the following Bills which were passed at the meeting of the Legislative Council held on the 29th June 1923, received the assent of His Highness the Maharaja on the respective dates specified;

Income-tax Bill; 30th June 1923.

Bill to provide for suits against Government; 18th July 1923.

Bill further to amend the Code of Civil Procedure; 18th July 1923.

Bill further to amend the Village Courts Regulation; 17th July 1923.

(*b*) That a petition had been received from Mr. Huchuveere Gowda of Kadaba, praying that the hardships pointed out by him in the administration of the Income-tax Regulation may be brought to the notice of the Council and that it was not in conformity with Rule 55 of the Rules of Business as it did not relate to any matter under the consideration of the Council.

II. INTERPELLATIONS.

Mr. M. Ananthiah Setty asked.

1. Will the Government be pleased to state when the Judicial Separation Scheme will be introduced into Chitaldrug District in view of the fact that the cost involved may not be much?

Mr. Mir Hamza Husein replied.

The scheme will be introduced into the District when funds permit and the question will be taken up for consideration in connection with the next budget.

Mr. M. Ananthiah Setty asked.

2. Will the Government be pleased to state, if any action is proposed to be taken this year (1923-24) to open the University Entrance Class in the High School, Chitaldrug, as the demand for the same is on the increase every year?

Mr. Mir Hamza Husein replied.

The Government do not contemplate opening a University Entrance Class in the Chitaldrug High School this year.

Mr. M. Ananthiah Setty asked.

3. Will the Government be pleased to state, with reference to recent retirement of officials ordered to provide for thrown out men, if all those mentioned in the "D" list appended to the Government Order for being provided in the vacancies created, are thrown out men?

Mr. Mir Hamza Husein replied.

All the men mentioned in annexture D to G. O. No. G. 760-819—G. M. 97-22-14, dated 9th July 1923 are officials that had been already discharged or were liable to be discharged under the retrenchment orders.

Mr. B. V. Ramaswamy Chetty asked.

4. Will the Government be pleased to state the number of Criminal Tribes registered at present?

Mr. K. R. Srinivasiengar replied.

The following six tribes have been registered as Criminal Tribes:—

1. Vellal Korchers or Kepmaries.
2. Ghantichors or Ghantu Kallars.
3. Korachers of Kolar, Bangalore, and Tumkur Districts.
4. Koramers of Hassan, Kadur and Bangalore Districts.
5. Waddars of Tumkur, Bangalore and Kolar Gold Fields.
6. Handijogees of Bangalore District.

Mr. B. V. Ramaswamy Chetty asked.

5. Will the Government be pleased to state—

Whether in view of the fact that the bulk of the State population are observing *Sarvatra Ekadasi* as a national festival and are finding it very inconvenient to attend Government offices, they will be pleased to declare the date on which the feast falls as a public holiday.

Mr. K. R. Srinivasiengar replied.

If by *Sarvatra Ekadasi*, the member means (as the term is ordinarily understood to mean) Ekadasies observed by all sections of the Hindu Community, there are a number of such Ekadasies in the year and the Government do not consider it necessary to declare such days as holidays.

Mr. B. V. Ramaswamy Chetty asked.

6. Will the Government be pleased to state—

(*i*) As to why appeals from the Munsiffs and First Class Magistrates in the Bangalore Division are being preferred to the Chief Court in the first instance unlike the practice in the other two divisions?

(*ii*) Whether it is not desirable to bring about uniformity of procedure in all the divisions and also to thereby avoid the cost of printing and typing which appellants in Bangalore Division are subjected to?

Mr. Mir Hamza Husein replied.

(*i*) The attention of the member is drawn to Section 14 of the Chief Court Regulation, I of 1884, and to Government Notification No. 227, dated 6th September 1890 issued thereunder, which provides for appeals being preferred direct to the Chief Court from the Munsiffs and First Class Magistrates in the Bangalore Division.

(*ii*) Government see no good reason to change the existing practice.

Mr. H. G. Basavappa asked.

7. Will the Government be pleased to state—

(*a*) Whether it is true that the Pumping Plant at Bhadravati Iron Works was submerged in water owing to recent floods, and that the work has been suspended consequently?

(*b*) If so, what time will it take to resume work and to bring the furnace effectively into order?

(*c*) What is the loss sustained by the Plant being submerged and the loss for suspending the work?

(*d*) Whether the responsible Engineers who located the Pumping Plant took note of the highest flood level within the past fifty years?

(*e*) Whether the submergence and dislocation of works will cause any and what fresh outlay?

(*f*) If so, how will the Government propose to meet such outlay?

(*g*) Whether the Government will be pleased to take any and what steps to avoid a repetition of such disaster to the State and its finances?

Mr. K. Matthan replied.

(*a*) and (*b*) One of the Plant Pump-houses was partly submerged on account of unusually high floods in the river; but the Pumping Plant will be restored to working condition in about a week's time. Owing to the shut-down it is necessary to re-line the furnace and this will probably be completed and the operation resumed in about three weeks' time.

(*c*) There has been practically no loss due to the submersion of the Plant. The loss due to the suspension of operation cannot be easily calculated now.

(*d*) The designs were prepared by the Consulting Engineers from the best data they could get by local enquiries. The floods this year were unusually high.

(*e*) No fresh capital outlay is required beyond the cost of necessary repairs to the Blast Furnace which may amount to about Rs. 10,000.

(*f*) From the capital grant of the Iron Works for the current year.

(*g*) Arrangements for the proper drainage of foundations are being made but interruption of work in such an industrial undertaking, for one cause or another, is to be expected from time to time.

Mr. H. G. Basavappa asked.

8. Will the Government be pleased to place on the table—

(*a*) The list of professors and assistant professors allotted to each subject in the two University Colleges in Mysore and Bangalore;

(*b*) The hours of work allotted to each professor?

Mr. K. Matthan replied.

(*a*) and (*b*) The information required by the member is placed on the table. (*Vide Appendix.*)

Mr. H. G. Basavappa asked.

9. Will the Government be pleased to state—

Whether they are aware of the practice in British India of granting certificates by the Sub-Registrars of the alienation or encumbrance of immovable properties on receipt of a searching fee, instead of asking the applicant to make his own search as here?

Whether it is not desirable to introduce the same system into our State, at least, in the interest of avoiding fraud and litigation?

Mr. K. R. Srinivasiengar replied.

The attention of the member is drawn to Notifications No. P. 5552—Regis. 30-19-9, dated 6th January 1923 and P. 5554—Regis. 30-19-10, dated 6th January 1923 which provide for the grant of encumbrance certificates by Sub-Registrars.

Mr. D. Venkatesaiya asked.

10. Will the Government be pleased to state—

(*a*) The principles of admission guiding the enrolment of applicants seeking entry into the Central College in 1923-24;

(*b*) The hours of work of each professor, assistant professor, lecturer, demonstrator, or tutor in the Central College;

(*c*) The hours of practical work done each day by such professor, assistant professor, demonstrator, lecturer or tutor;

(*d*) The number of batches, along with the number in each batch of students and the hours in each week during which each such batch of students does practical work;

(*e*) The number of professors, assistant professors, etc., doing research work and the nature of such research, the hours of the day or night during which such work is done;

(*f*) Whether accommodation for all students seeking admission will be provided in the Central College for 1924-25 and the following quinquennium?

(*g*) Whether the Government will be pleased to state whether any steps will be taken thoroughly to Indianise the staff of the Central College in the near future?

(*h*) Whether the Government will be pleased to make adequate financial provision for this purpose and whether the Government will be pleased to make a statutory provision of Rs. 10 lakhs a year for University Education in the State?

Mr. K. Matthan replied.

(*a*) to (*e*) Government are not in possession of all the particulars asked for by the member in clauses (*a*) to (*e*) of the interpellation. These are matters under the control of the constituted University authorities, *viz.*, the Vice-Chancellor, the University Council and the Senate, in their proper and respective spheres. As regards the number of hours of work of the members of the staff, the member's attention is invited to the answer to interpellation No. 8.

(*f*) The Government understand that the whole question is being examined by the University authorities and final orders will be passed on receipt of their recommendations.

(*g*) The meaning intended to be conveyed by the member by the suggestion made by him in sub-clause (*g*) of the question, is not clear. Government have no intention of making any change as suggested, in the staff of the Central College at present.

(*h*) In the present financial situation, it is not possible to guarantee any fixed annual grant to the University nor can any such grant be placed on a statutory basis.

Mr. D. Venkatesaiya asked.

11. Will the Government be pleased to state—

(*a*) Whether the Railway probationers in the Mysore Railways are being trained and given training to fit themselves to the higher appointments in the department, and whether the Government will be pleased to agree that local men of talent should be given preference and opportunity in this Department of State as in all others?

(*b*) Whether the Mysore Railways will be Indianised at the earliest opportunity?

Mr. K. Matthan replied.

(*a*) The reply to the first part of the question is in the affirmative. It is the avowed policy of the Government to have local men of talent to hold higher administrative appointments in the Railway Department.

(*b*) At present almost all the higher appointments in the Railway Department are held by Indians and the appointment of outsiders for such technical departments cannot be avoided unless and until a sufficient number of trained local men is available.

Mr. D. Venkatesaiya asked.

12. Will the Government be pleased to state—

(*a*) Whether the attention of the Government has been drawn to the statement of Sir M. Visvesvaraya published in the *Daily Post* of 23rd July 1923, relating to the Iron Works at Bhadravati?

(*b*) Whether the Government will be pleased to state what steps and what action were taken between December 1918 and April 1923?

(*c*) Whether a statement of the work done by the Government during this period will be published for information?

(*d*) Whether young Mysoreans will be trained in Bhadravati as well as in Kolar Gold Fields Mining area to fit them to higher technical appointments in those localities?

Mr. K. Matthan replied.

(*a*) The answer to clause (*a*) is in the affirmative.

(*b*) The member's attention is drawn to the information that has been furnished on the subject in the several addresses of the Dewan to the Representative Assembly and the Legislative Council during this period.

(*c*) The statement asked for by the member is of too general a character and Government cannot undertake to prepare such a statement particularising all the orders issued and the measures taken by them in respect of the undertaking during the past five years.

(*d*) Steps have already been taken to train young men at the Iron Works in all the branches so as to fit them to occupy higher technical positions in due course. Applications from candidates have also been recently called for in this respect. A few young men are already undergoing training at the works. In the case of the Kolar Gold Fields also opportunity has already been taken to train probationers and one such probationer attached to the Mines Department has, after successfully completing the period of probation, been appointed as Junior Inspector of Mines.

Mr. B. Abdur Rahmon asked.

13. Will the Government be pleased to state—

(*a*) Whether they have read the Urdu pamphlet dated 4th June 1923, issued by Mr. Mahomed Abbas Khan, Secretary, Central Mahomedan Association of Mysore, Bangalore; which has created a sensation among the Muslim population of the State?

(*b*) Were not the scholarships in the second grade and lower grades allotted among districts and taluks on the basis of the total population of the backward classes in those areas till 1920-21?

(*c*) Are they not during and after 1920-21 allotted among the communities on the basis of their total population in the State?

Mr. Mir Hamza Husein replied.

(*a*) The Government have perused the pamphlet which the member has sent to them.

(*b*) Yes, except as regards the scholarships of the second grade for which the whole State was taken as the unit area.

(*c*) Yes.

Mr. G. Paramasiviah asked.

14. Will the Government be pleased to state—

(*i*) Whether they are aware that the Survey Resettlement of the Nala Tracts of Seringapatam, Mysore and Krishnarajpete Taluks began to be announced from the 29th June last, *i.e.*, one day before the end of the official year?

(*ii*) Whether it is not a fact that no notification was published in the villages concerned, as prescribed by the standing orders and no opportunities were afforded to the parties affected to prefer objections beforehand?

(*iii*) The assessment figures, past and present, for each village, for dry and wet lands, respectively, in the villages of which the resettlement is announced?

(*iv*) Whether it is not a fact that the increase of assessment in several instances is more than 60 per cent?

(*v*) On what data have the Government proceeded in approving the revised enhanced rates of assessment and have the falling price of paddy and rising rates of labour been taken into consideration?

Mr. K. Matthan replied.

(*i*) The answer is in the affirmative.

(*ii*) It is a fact that before the revised rates were announced, no notification was published as contemplated in G. O. No. 603-53—L. S. 7-18-5, dated 11th July 1919, as it was the intention of Government to bring such rates into force with effect from the current year. There was nothing, however, to prevent appeals on broad grounds in respect of the rates, being preferred within a period of three months from the date of the introduction of the settlement, in accordance with Government Order No. R. 9188-97—L. S. 22-04-2, dated 25th March 1905, printed at pages 162 and 163 of Vol. I, Mysore Revenue Manual.

(*iii*) The information asked for will be obtained from the Superintendent of Revenue Survey and laid on the table.

(*iv*) It is a fact that the total increase of assessment has exceeded 60 per cent in five out of the sixty-nine villages. This is however due not to the increase in the ratss of assessment but to the conversion of dry lands into wet or garden and to the large increase in the total occupied area of the villages.

(*v*) The attention of the member is drawn to G. O. No. C. 5-9—L. S. 50-22-4, dated the 27th June 1923, sanctioning the resettlement in which full reasons and data have been given for the revised rates of assessment.

Mr. G. Paramasiviah asked.

15. Will the Government be pleased to state—

(*i*) The number of free studentships and half-free studentships available in all the Government and aided High Schools in the State, in addition to the free studentships awarded to holders of Backward Communities Scholarships?

(ii) The number of students of different communities, who have been awarded the same during the year 1922-23?

Mr. Mir Hamza Husein replied.

The information has been called for and will be furnished to the member on receipt.

III. BILLS.

1. Bill further to amend the Negotiable Instruments Regulation, 1917.

MR. MIR HAMZA HUSEIN.—Sir, Section 131 of the Negotiable Instruments Regulation, 1917, provides that a banker who has in good faith and without negligence received payment, for a customer, of a crossed cheque, shall not, in case the title to the cheque proves defective, incur any liability to the true owner of the cheque by reason only of having received such payment. The Regulation however affords no protection to a banker who credits a customer's account with the amount of a cheque before its realisation, as he cannot in that case be regarded as having received payment for a customer. The British Indian law on the point has been amended by Act XXI of 1922 so as to extend the protection to collecting bankers in cases where they credit their customer's account with the amount of a cheque before receiving payment of it. It is proposed to provide for similar protection to the local bankers by adding the following explanation to Section 131 of the Negotiable Instruments Regulation :—

Explanation.—" A banker receives payment of a crossed cheque for a customer within the meaning of this section notwithstanding that he credits his customer's account with the amount of the cheque before receiving payment thereof."

With these remarks I beg to move that leave be granted to introduce the Bill further to amend the Negotiable Instruments Regulation.

MR. K. MATTHAN.—Sir, I beg to second the motion.

The motion was put to vote and carried.

MR. MIR HAMZA HUSEIN :—Sir, the Bill being a very small one involving no controversial points, it is proposed to pass it at this sitting of the Council and I accordingly beg to move that the rules of business be suspended and the Bill read in Council, considered and passed.

MR. K. MATTHAN :— Sir, I beg to second the motion.

The motion was put to vote and carried.

2. Bill further to amend the Mysore Land Revenue Code, 1888.

MR. K. R. SRINIVASIENGAR :—The Civil and Military Station, Bangalore, though under a different administration, is yet a part of Mysore and is surrounded on all sides by Mysore territory proper. Residents of the Station have naturally large dealings with the Mysore Government in its several departments; and it is thereforevery desirable and necessary that the Government should have facilities for the recovery of moneys due to them from such persons unhampered by any considerations of want of jurisdiction.

At present there is practically complete reciprocity between the State and the Station in respect of criminal processes. In the case of Revenue processes, however, there is only a partial concession on either side as only notices and summons are exchangeable, and any amounts voluntarily paid can alone be collected by one administration for the other. If any person does not choose to come forward to pay, the only course open is to sue him in a proper court and then execute the decree. This procedure entails delay and often affords scope to the party to dispose of his property to the detriment of Government claims.

The Government of Mysore as well as the Civil and Military Station authorities having felt the need of a reciprocal arrangement by which the coercive processes under the Revenue Law used by one administration may be executed by the other, have arrived at an agreement in the matter according to which the Government of India have, recently made a provision in the Revenue Recovery Act, 1890 enabling the collection by the Civil and Military Station authorities, of all sums

recoverable by the Mysore Government under Section 193 of our Land Revenue Code. It is therefore necessary for us to amend the Land Revenue Code so as to make a similar provision authorising the Deputy Commissioners to collect arrears of land revenue, and other sums recoverable as such, accruing in the Civil and Military Station. The Bill now placed before the Council provides for the necessary amendments in this respect; and I commend it for your acceptance.

MR. K. CHANDY :—Sir, I beg to second the motion.

The motion was put to vote and carried.

MR. K. R. SRINIVASIENGAR :—As the reciprocal arrangement has already come into force in the Civil and Military Station it is necessary that this measure should be introduced in the Mysore State at once and without delay. I therefore beg to move that the rules of business be suspended and the Bill considered and passed at a single sitting of this Council to day.

Mr. K. CHANDY :—Sir, I beg to second the motion.

The motion was put to the vote and was carried.

3. Bill to amend the Mysore Companies' Regulation.

MR. K. R. SRINIVASIENGAR :—In 1895, a Regulation for the incorporation and regulation of Companies, was first introduced in Mysore, on the model of the Companies' Act in force in British India. Under this Regulation no restrictions were placed on the designation that a company chose to adopt. Subsequently the British Government found it necessary to take some action in this direction owing to the adoption by some companies of names which implied sanction, approval or patronage of Government and accordingly they amended their Companies' Act in 1913 providing for the prohibition of the registration of a company with a name containing such words, except with express consent of Government.

In the same year (1913), two companies applied for registration in Mysore under the names, "The Mysore Government Security Life and Marriage Assurance Company, Limited" and "The Mysore Government Security Mutual Property Investment Company, Limited". The Registrar took exception to the names, but nevertheless had to register them as there was no provision in the Mysore Regulation to refuse registration in such cases. In January 1914, the Registrar after consulting the Goverment Advocate, the Comptroller and the Director of Industries reported to Government that the use of the words "Government Security" was objectionable and apt to mislead the public and suggested that a notice may be published prohibiting the use of such words by any company, and that the Registrar may be authorised to refuse registration in such cases. An amendment of the Regulation was necessary for this purpose, but before taking action in this respect, the Government called on the above mentioned companies to drop the objectionable words, which they declined to do. In December 1914 and February 1915 it was notified by Government for the information of the public that the use of the words, "Mysore Government Security" in the names of the aforesaid companies, should not be taken to mean that the Government of Mysore had authorised the formation of the companies, or that they in any way supervised its business or guaranteed its solvency, and that the public might take warning of the risks run, in dealing with the companies under any such belief.

In 1917 the Mysore Regulation of 1895 was amended on the lines of the British Indian Act of 1913, and provision was made for prohibiting the use, by a company, of any, words implying sanction, approval or patronage of Government, except with their express consent. This provision is applicable, however, only to companies registered after the amended Regulation came into force; and it does not touch the case of companies already registered under the old Regulation.

The Mysore Government Security Mutual Property Investment Company Limited referred to above is no longer in existence, having merged in the other company which still styles itself "The Mysore Government Security Life and Marriage Assurance Company, Limited". This latter is, however, very much alive and has, in recent years, often come in for a lot of criticism and attack in the Representative Assembly, the Legislative Council and the Press; and the Government have been repeatedly pressed to take steps to force the company to

drop the objectionable words so that the public may not be led to believe that the Government had anything to do with the company. Several advertisements appearing in papers published in Madras, Calcutta and other distant places, have been sent to Government from which it would appear that people residing in distant places are misled by the title. The anxiety of the company to stick to the title and their refusal to change it also afford reasonable grounds for the public apprehension that the name is intended to mislead the ignorant.

As all attempts made, to pursuade the company to drop the words have not proved of any avail, it is now intended to amend the Regulation as proposed in the Bill now placed before you so as to take power to require this or any other company, even though already registered under the old Regulation, to drop objectionable words in their name and title within a reasonable time, failing which the company will be compulsorily wound up.

With these words, I beg to place the motion before you for your kind acceptance.

MR. A. SUBRAMANYA IYER.—Sir, I beg to second the motion.

MR. M. C. RANGA IYENGAR.—Sir, the Bill is an important one and I am in full sympathy with the object of the Government. But I am inclined to consider that the Bill is intended to be given retrospective effect. It is for this House to consider whether it is appropriate or not to give retrospective effect. The name and style "Mysore Government Life Assurance Company," was perfectly valid under the old Regulation. The company has been in existence for the past 25 years, and has been using the designation. If the Government now enforces this Regulation, I am afraid business of the company will suffer.

MR. B. V. RAMASAWMY SETTY.—Sir, I beg to support the Bill. I don't know why any sort of objection should be taken to the passing of such an Act. There is no doubt about the public being mislead by the fact that this company has adopted a name which makes many people believe that it has got the support of the Mysore Government. If no funds are deposited with the Mysore Government there is no justification for the company to adopt such a name. With regard to the Oriental Life Insurance Company, they have deposited large funds with the British Government and they are perfectly justified in adopting the designation "Oriental Government, Life Insurance Company." That company has been started in British India and there is also a branch within the limits of the Civil and Military Station Bangalore. How can it be said that there is no objection to this company calling itself "The Mysore Government Life Insurance Company," It has not deposited funds with the Mysore Government; it does not get any support from the Mysore Government.

I am of opinion that the Act should have a retrospective effect, as it will certainly put an end to the public being misled. I do not think the company will suffer; its rights and obligations naturally belong to its shareholders. All that we are concerned with, is that the public should not be misled. We will be helping the public by putting an end to all that is misleading and creating hardship to them. I don't know why any objection should be raised against the form of the Bill. If the company does not change its name after this Act is passed, I dare say the company will be compelled to do so.

With these observations I heartily support the Bill.

MR. G. PARAMASIVIAH.—Sir, the Government Marriage Life Assurance Company has been in existence for a long time and a large number of people have got dealings with it. As one of the members of this House has already remarked unless this House is aware of any specific instances of fraud committed by that company, I am afraid there is no justification for the passing of this rigorous measure. There are firms by the name of "Prince of Wales carriage works" and "Maharaja Hall" and it does not necessarily mean that because such names have been given, those firms have been receiving patronage at the hands of those whose names they bear. Ignorant people are apt to be misled in spite of any safeguard provided by legislation. Therefore, in the absence of any specific instances of fraud that have come to the notice of Government, I am not in favour of this drastic piece of legislation.

MR. MD. ABBAS KHAN.—Sir, I beg to support the amendment. It seems to me a simple question that no company has any right to make use of Mysore Government Security without the confidence of Government and thus it is very

misleading to the public. It is now high time for us to take some steps in the matter. So far as the principle is concerned, it has my hearty support.

MR. N. S. NANJUNDIAH.—Rao Bahadur Mr. Rangaiengar seems to think that in giving retrospective effect to this Bill it would create a most unfortunate precedent. I am inclined to think that an extraordinary remedy is necessary for an extreme case.

On hearing the lucid speech made by the Member of Council with regard to the time and all possible opportunities that would be given to the Company to change its name, I am inclined to support the Bill. But I would only suggest an amendment to the effect that before requiring the Company to alter its name or to omit certain words it should be served with a notice in writing specifying the reasons and its objections, if any, should be heard. With this amendment I support the Bill and it may be passed into law.

MR. M. RAMACHANDRA RAO.—Sir, I also support the Bill. In our State there are several industrial concerns which are financed by Government and our Government have acquired a reputation for initiating new enterprises in Commerce and Industries. The use by the company of the words 'Mysore Government Security' is likely to make people outside the State believe that our Government have some manner of connection with the business carried on by the company. It is the duty of the Government to remove the possibility of such impressions as early as possible. But for the conduct of the company in not accepting the suggestion made by Government there would have been no necessity for the introduction of the present Bill.

I submit that the Bill is very opportune, I am really surprised that there should be any opposition to it at all.

MR. K. SHANKARANARAYANA RAO.—Sir, from the trend of the discussions I am inclined to think that there is a feeling among some of the members of this House that the passing of this Bill is likely to prejudice the interests of several persons who have become shareholders in the company. I submit that the proposed enactment cannot prejudice anybody.

The name assumed by the company, *viz.*, "The Mysore Government Security Life., and Marriage Assurance Company, Limited" is clearly misleading and there is no doubt that it has the effect of inducing intending shareholders to believe that the Government of Mysore is backing it up. If the company has, in fact, been benefitted by assuming such a name, and several persons have been misled thereby Government have every reason to step in and to secure the necessary authority for insiting upon the objectionable portion of the name being omitted by the company.

The shareholder who has been misled cannot complain if he has chosen to subscribe for shares without acquainting himself with the actual facts and if he has suffered in consequence he has to look to the company for redress. If, on the other hand it is urged that the name has not misled anybody there ought not to be any objection to any modification in the name of the company.

Even now under the enactment Government do not propose to take any arbitrary action. Every opportunity will be given to the company to state its objections and after due consideration necessary orders will be passed and it is only in the event of such orders being disobeyed that steps will be taken to set matters right.

My friend Mr. Paramasiviah observed that there are a number of shops bearing names with words such as "Royal", "Prince of Wales", "Maharaja" etc., But such cases are quite beside the point. They are not companies registered under the Mysore Companies Regulation and we are not considering those cases.

The company in question has already had the benefit of that misleading name for several years and the matter cannot be delayed any longer. I therefore beg to support the motion.

MR. K. R. SREENIVASIENGAR.—From the observations made by my hon'ble friend Mr. Rangiengar, I am glad to find the he is quite in sympathy with the object of the Bill. As regards his remarks to giving retrospective effect to it, they have been answered by some members of this House already. I cannot understand how by the introduction of this Bill, the company is likely to suffer financially or otherwise.

As the members of this House are aware, the Government have no interest whatever in the company; in these circumstances their designation is misleading; and it is our business to make the fact known to the public and make the company change the name with a view to avoid any further misconception on the part of the public.

Mr. Paramasiviah said, that there were a number of firms bearing names of a similar nature. But this is quite a different matter; and as the Government Advocate has already stated the analogy does not at all hold good.

Mr. Paramasiviah also wanted to know if any specific instances of fraud were brought to light. Though I am not now in possession of particular instances of fraud, I may say that there has been a general complaint particularly from British India that the present designation of the company has been very misleading and has tended to deceive the public.

Some of the members of this House remarked that we should not pass this Bill so hurriedly. I may point out that all the attempts of Government for years by persuation, even by threat to have the name of the company changed having been of no avail, the Government have been obliged to resort to this Bill as a final resort to stop further mischief that is likely to result by the continuation of this misleading designation.

Under these circumstances, I place the Bill before the House in the hope that it will meet with the unanimous acceptance of the members.

The motion was put to vote and passed.

MR. K. R. SREENIVASIENGAR.—I beg that the rules of business be suspended and the Bill considered and passed. For reasons already explained by me it is not desirable in the interests of the public that the company should be allowed to continue to retain its present misleading name of "Mysore Government Security Life Insurance Company." The passing of the Bill, at a single sitting to-day would not have been pressed if we could have held another meeting of the Legislative Council and had the Bill passed in the ordinary course. But since there will a break of nearly eight months before the reconstituted Legislative Council under the Reforms scheme will meet again and as in public interests the matter does not admit of any delay, I request the House to accord its approval to the rules of business being suspended and the Bill being passed at a single sitting to-day.

Mr. A. SUBRAMANYA IYER.—Sir. I beg to second the motion.

After some discussion as to the suitability of the amendment, the Dewan put the following amendment to the vote and it was passed unanimously. The amendment before the House was as follows:—

"For clause 1 substitute the following clause."

1. After Sub-section 3 of Section 11 the following proviso shall be added:—

"Provided that notwithstanding anything contained in Section 290 the Government may at any time after serving a notice in writing giving reasons and after hearing objections, if any, thereto pass an order requiring any company registered, either before or after the passing of this Regulation under any enactment for the time being in force, with the name containing such words, to alter or omit the words within a period of three months from the date the order is communicated to the company."

4. The Usurious Loans Bill.

MR. MIR HAMZA HUSEIN.—Sir, the necessity for undertaking legislation to prevent usury in the State has been pressed for the consideration of Government for a long time past. In the Representative Assembly of 1915 a subject was brought forward suggesting the passing of a Regulation to prevent the charging of exporbitant rates of interest by money lenders, in kind or cash, by empowering Courts not to grant decrees in such cases. Government, however, considered it inexpedient to legislate in the manner suggested, especially as the Courts had ample power under the Contract Act to give relief in proper cases. On the passing of the Usurious Loan Act in 1918 by the British Indian Legislature, an interpellation was put in this Council by Mr. Vijayadeva at the meeting held in March 1921 asking whether Government had any intention of introducing a Regulation on the lines

of the Indian Act. I then replied, on behalf of Government, that there was no such proposal before Government, but that if there should be a demand for legislation, the matter would be considered. Again at the meeting of the Council held in April 1922, Mr. Ramaswami Chetty brought to notice that for want of an enactment similar to the Act of 1918, the Courts were not able to give relief to the debtors and enquired whether Government would, in view of the repeated demand of the people for legislation, consider the desirability of introducing a similar measure in the State. The reply given by me to the question was that the expediency of introducing an enactment on the lines of the Usurious Loans Act of British India would be investigated.

There is no doubt that many unconscionable bargains at ruinous rates of interest are concluded in the country, especially in the Malnad. The Chief Court who were consulted in the matter have expressed themselves in favour of introducing legislation, as it would give greater freedom to the Courts to do justice than the provisions of the Indian Contract Act.

A Bill has accordingly been prepared on the lines of the Indian Act of 1918. The main provision in the Bill is that contained in clause 3 which gives power to Courts, in cases in which interest is considered excessive and the transaction between the parties substantially unfair, to reopen transactions and give relief to the debtors. Necessary safeguards are provided in the Bill to prevent an arbitrary exercise of the power by the Courts by laying down when interest should be taken to be 'excessive' or a transaction to be 'substantially unfair', etc., etc. A time limit of 6 years from the date of transaction is also prescribed for reopening agreements purporting to close previous dealings and create new obligations. Further, power is reserved by Government for exempting local areas, particular classes of persons or particular classes of transactions from the operation of the enactment, in cases in which such exemption is considered necessary.

The Bill has been published in the Gazette under Rule 32 of the Rules of Business of the Legislative Council and copies supplied to the members.

Without making any further remarks, I beg to move that the Usurious Loans Bill be read in Council.

MR. SHANKARANARAYANA RAO.—Exhorbitant rates of interests are levied by a certain class of money lenders particularly in the premier cities of Bangalore and Mysore. As several of the members of this House might be aware there is the practice of giving small amounts as loans every day and recovering the principal amount with interest at the end of the day. Interest is levied on such loans at the rate of one-pie per rupee which on calculation is found to amount to Rupees 570-5/16 per cent per annum. I think it is absolutely necessary that a provision of this kind should be made to give relief in all cases where practices prevail for taking heavy rates of interest.

There is only one other point which I wish to refer to for the consideration of the House and that is that the present Bill applies only to suits filed by creditors and not to suits by debtors, and a suit for redemption brought by a debtor is not within the Act. It is for this House to consider the advisability of incorporating a provision for bringing such a suit also within the Regulation. But this need not stand in the way of our passing the Bill in its present form. The Regulation can be amended suitably on some future occasion.

The question has been thoroughly examined by the British Indian Legislature and after careful consideration they have passed the Act there and our Bill is drafted on the basis on that Act.

I therefore heartily support the Bill and commend it for the acceptance of the House.

MR. K. P. PUTTANNA CHETTY.—Sir, I am also in favour of the Bill for several reasons. The reasons put forward by the Government Advocate, I am afraid will not in any way alter the conditions prevailing in the issue of loans referred to by him, because probably he does not know the circumstances under which the loan is made. I might give one instance how a money lender makes his interest.

A money lender goes to a market with a few rupees and lends money to the Thiglar women who are paid one or two or three each according to their requirements and by the time they finish their sales, they return his loan the same evening

paying one anna in the rupee as interest, themselves gaining a profit of at least 4 annas in the rupee, which would work out to about 180 per cent. This system is prevailing even now and this is done by mutual consent as it pays both the parties. This kind of transaction is quite different from those of marwaries and others who lend money at a high rate levying unconscionable interest on petty traders. There are others, mostly inexperienced young men, who have become possessed of properties and become easy prey to the marwaries. They charge them five per cent interest a month and the enforcement of such interest will be rendered impossible by the proposed legislation. I may state for the information of the House that in Travancore a Regulation has been in force for a long time limiting the interest to 12 per cent per annum and this beneficial legislation is a boon to the borrower whose needs cannot be exploited by the sowcar. At one time I contemplated introducing a similar Bill into the Mysore Legislative Council; but the circumstances of the money market, the larger interests of trade and industry and the economic conditions of the world, all these induced me to change my views.

The Bill now proposed will, I think, give sufficient authority to the courts, to fix the amount of interest in hard cases. A measure of this kind is already in existence in British India and I am sure would be of much help in this State.

I therefore heartily support the motion.

MR. M. C. RANGIENGAR.—Sir, I am in favour of the Bill with certain modifications. As I have had some experience in this matter I cannot help entertaining some misgivings regarding the operation of the proposed enactment. This measure will be more or less a legislation embodying a counsel of perfection. Its provisions can easily be evaded by money lenders in a score of ways.

If a limit of 12 per cent is taken by courts as a fair and reasonable rate I am afraid borrowers will find it very difficult to get money from money lenders. The rate of interest to be allowed is left in the Bill to the good sense of the judges and they are apt to decide each according to his individual discretion or whim. One judge will decide that 24 per cent is excessive while another judge will decide that 24 per cent is very reasonable and is not high in Mysore. In Bombay 24 per cent is held not excessive. Thus it becomes merely a matter of personal caprice. I would suggest that a provision may be inserted in the Bill declaring that interest at a higher rate than so much per cent, may be presumed to be unconscionable. In the Bombay High Court, a judge granted 72 per cent of interest.

MR. MIR HAMZA HUSEIN.—The Madras High Court in a certain case agreed to the levy of 188 per cent and even 200 per cent.

MR. G. PARAMASIVIAH.—Sir, considering the varying rate of interest now prevailing in the Mysore State, we cannot lay down any uniform rate. If the Government were to fix the rate of interest on loans, it will be very difficult for petty merchants and contractors to get money. I am of opinion that it is better to leave the matter as it it is in the discretion of the courts.

MR. MD. ABBAS KHAN.—Sir, I beg to submit that the Bill, does not give effective relief to the debtors. The Bill provides that a debtor can seek justice in a court of law; but very few will take advantage of this privilege. The others who are unable to go to courts will generally become the prey of their creditors and will have to abide by whatever terms or whatever interest they may charge. I therefore want that the Bill should be more effective in order that it may protect the interest of even the smallest debtor. Further, judges generally form their own decision and each man may differ from the other in fixing the rate of interest. The Bill should be framed in such a way so as to prohibit the creditors from charging exhorbitant rate of interest. Banks charge 9 or even 10 per cent and the rate of 12 per cent is normal. My object is that the Bill should be made more effective prohibiting creditors from charging enormous rate of interest.

With these observations, I beg to support the Bill.

MR. M. SHAMA RAO.—Sir, I heartily support the Bill. As a former Registrar of Co-operative Societies, I have also come across as Mr. Puttanna Chetty has mentioned, several cases of unconscionable bargains especially in the case of small traders. In several instances these petty traders I have noticed used to borrow Rs. 100 but receiving only Rs. 90 from Marwari money-lenders and undertake to pay one rupee a day in one hundred days, otherwise the whole money was liable to be recalled at once.

In Kortagere, Labbe merchants used to lend money to poor panchamas and levy one pie per day per rupee.

On the other hand, in Santemarahalli, in Chamarajnagar Taluk I have come across several cases where people used to make a profit of two annas on every 4 rupees on the weekly shandy days. This was not considered to be very high. In fact in such cases the lender and the borrower were more or less partners and it was never felt that the rate of interest was too high.

Relief however is absolutely necessary in the case of raiyats and petty traders. For want of such a provision, the creditors take advantage of the hopeless position of their debtors and begin to charge as much interest as they can extort.

In regard to the fixing of a rate of interest I oppose it as it is a question of demand and supply. There is no guarantee that a fixed rate can always be kept up. In Assam 36 per cent is considered to be a fairly equitable rate. In Berar it goes up to 40 or 45 per cent. So it is very difficult to fix any principle on which the interest can be regulated. But we all feel that a certain rate of interest which is equitable should be charged. With this change the Bill may be passed as it will certainly bring relief to the poor people.

MR. N. S. NANJUNDIAH.—Sir, as observed by Rao Bahadur M. C. Rangaiengar, the Bill no doubt professes to be a beneficial piece of legislation. The money is generally taken on loan when the party is in need of it after undertaking to pay a certain amount of interest. This Bill, as we now see, is intended to protect the debtor from paying an enormous amount of interest to his creditor. But before we discuss the merits of this Bill, I think it is better to know the views of the debtor as to how far his undertaking to pay interest have proved difficult to him. It is not beneficial for creditors to go to courts and even others would avoid going to courts if they can help it. They have found it by experience that settling disputes out of court is always more advantageous than to have it settled in court. It is only in cases coming before courts that the judges will be able to say whether a certain amount of interest is reasonable or not and by fixing a certain amount of interest. I don't see how far they will be giving relief to the debtors. Considering the tightness of the money market, I am rather doubtful how far a measure of this kind would help the debtors. We may be hoping and indeed anxious to give relief to indiscreet or reckless debtors whose indiscretion or recklessness may be taken advantage of by wary or usurious money lenders. But I fail to see if we will, by passing this bill, be really gaining the object in view, instead of making the debtor's position worse.

This question cannot be easily answered unless we go a little deeper into the ways of some wary and greedy creditors who always devise ingenious means to successfully evade the inconvenient provisions of law. I may be pardoned for mentioning some interesting discussion between myself and a client of mine. Having come to know that the rates of stamp fees and court fees have been enhanced, when he wanted to enter into a sale transaction for a large value, finding that the consequent charges for stamp paper and registration, would be very heavy, he suggested the following course:—

"I will pay the money and obtain possession. This under the law completes my title. Then I will obtain a receipt for the payment of money on a receipt stamp of one anna only but take care to recite therein the fact of previous oral sale and delivery of possession. Thus one anna stamp will be the stamp fees payable—next as the Court Fees Act provides that in suits for possession between a land-lord and tenant, the amount of court fee payable will be calculated on one year's rent, I will file a suit for possession on that basis alleging his sale and subsequent lease for a nominal rent and refusal on the part of the vendor as tenant to deliver possession. The fee payable to Court for the institution of the suit would be not more than a rupee or two. Then of course the defendant-vendor would come to Court and admit the claim. Then I will get a decree of the judical tribunal for a nominal fee and, as a result of defendant's admission I will get a refund of even half the nominal court fee I have paid. Thus the small Court fee is avoided. Then I will apply for execution and obtain formal delivery through Court. Thus the need for a stamp paper and registration is avoided, expenses saved and in fact a Court's decree and possession through Court secured."

I could not help wondering at the man's ingenuity and the suggestions he made.

We will see what is being done in the Gold Fields close by. There was a time when the Marwaries used to obtain promissory notes payable on demand from needy contractors, stipulating interest at one anna per rupee per month. This worked out at 75 per cent per annum. But they get it renewed every three months or even earlier. In one case actually when a small sum had developed into a very

big sum in this manner and interest itself had accumulated to many times the principal and a suit had been filed on the latest of such promissory notes for the accumulated sums, and I happened to appear for the defendant and questioned the Marwari plaintiff about the equity of such an enormous demand, he put me the question, whether children did not beget children! And of course the case was ultimately compromised by the intervention of certain common friends of both parties when the creditor was threatened with debtor applying for insolvency. In this connection I may add that the practice there prevailing was, that after lending the money at this exhorbitant rate, the creditor would file a suit just a day or two before the pay day in the Gold Fields, which I believe, still is the second Saturday of each month. The suits would be accompanied by an application for the attachment before judgment of the defendant's pay or other moneys due to him. Of course the attachment order did issue, and on Monday or Tuesday following, there used to be almost a corresponding number of applications objecting to the attachment and praying for release of attachment on production of sureties. Release warrants would issue, and ultimately of course decrees would be passed. These kinds of suits, and applications and counter-applications swelled the file of the court, and when the presiding judges gradually gained a knowledge of local conditions and consequent hardship to the debtors at the hands of the Marwaries, some restraint was exercised in the matter of granting applications for attachment before judgment, in the hope of giving some equitable help to the debtors. But the actual result is that the Court's goodness has made the debtor's position worse than before. While till then, the man lent money on a promissory note and waited some time to file a suit and sought by application for an attachment before judgment, and the order of Court passed a conditional order of attachment to attach the property only if the defendant debtor failed to furnish security, the whole course had now been made worse. The creditor to avoid the risk of the Court's refusing the application for attachment, or its being made ineffectual by giving the debtor the option of furnishing sureties, now obtains a promissory note, files a suit thereon, obtains an admission decree thereon, arms himself with a decree ever ready at hand to be executed without any risk or conditions, and then pays the balance to the debtor after deducting the court costs therefrom. Thus every minute thence the debtor remains to stand at the mercy of the creditor. It may be noted that heaven only knows what all the amount mentioned in the pro-note covers and how much of interests is added on to the proposed principal. Is there any one to doubt the unfortunate plight of the debtor?

When in one of such cases, a Munsiff refused to pass a decree, the Chief Court reversed his decision and observed that on the face of the admission of the defendant, the court had no business to go into the *bonafides* or realities of the transaction, as no contest had been raised. Thus the debtor fell from the frying pan into the fire.

MR. MIR HUMZÁ HUSEIN—That was only in one case.

MR. M. S. NANJUNDIAH.—I am glad that Government has however come to know of at least one case of the kind. But I fear that has become the practice, if my information is correct.

We have got another set of creditors, who are called (ಕಾಸಿನ ಬಡ್ಡಿ) Sowcars. His capital is but a few hundreds at the most. He lends only in units and tens and not in hundreds. The arrangement is that the debtor must every week pay interest at one pie per rupee per day until he repays the principal. If on any one single week day he fails to make the payment, all the previous payments till then must go out of court, and a fresh payment according to the rate of interest of one pie per rupee per day should be paid over again. Unless these terms are agreed to no loan is given.

Now when Government has taken large sums of money by way of loans at the rate of 6½ per cent and even 7 per cent interest, money market has become tight and loans are not easily available to the people at large who may have to borrow it. The needy debtor is always at the mercy and in the clutches of the creditor. The present Bill moreover provides that even payments previously made even six years before may be reopened and a fresh account struck between the parties. In view of such provisions in this Bill, the original bonds will be given to represent bogus principals, to evade the law about rates of interest. In such cases the consequences to the debtor are woeful. If the debtor makes part payments, by way of principal

or interest, no credit would be given to the same, and no vouchers would be given and the creditor puts him off. If he insists upon a receipt or voucher, then the creditor threatens the debtor with an immediate suit and execution which makes the debtor's position worse. The debtor cannot find funds readily to discharge the debt, and if he goes to another creditor for a loan to discharge this debt he goes to a worse creditor perhaps, and his position is not in the least improved. So, he must put up with the whims and fancies of the creditor.

Granting however for the sake of argument for a while that the debtor allows the matter to go to Court to defend himself by resorting to the generous provisions of this benevolent measure, is it not in our experience that rarely a case of want of consideration or non-payment of full or partial consideration or a case of full or partial discharge of consideration has succeeded in a Court of Law. So then what is the actual use of this measure, which we suppose would be of use to relieve the debtor from the usury of greedy and unscrupulous creditors? The only result of passing this measure into law would be to create complications, increase fraudulent transactions, reduce the chances of loans being obtained easily on fair terms, and render the position of the debtor much worse than before. It will be something like the remedy being worse than the malady and wary money lender will not require much thought or advice to evade the provisions of this piece of pious legislation, and I am strongly of opinion that instead of an elaborate Bill of the kind in question, a slight amendment of the provisions of the Contract Act giving the courts greater discretion in the matter of awarding or allowing interest would meet the requirements of the public, who feel oppressed by creditors, and anything more than this, particularly this Bill with its elaborate provisions is altogether unsuited and if it be passed into law, it will unsettle the course of money lending in the State, and will be unwelcome both to the creditor as well as the debtor.

Mr. B. V. Ramaswamy Setty.—Sir, I support the Bill. Several years ago I tried to see that our Government would pass this Act which has already been passed in British India. In the Representative Assembly also attempts were made to see that our Government would pass this Usurious Loans Act. I remember Mr. Vijayadeva in one of our meetings, I think, it was, by asking a question was also anxious about this Usurious Loans Act being passed here for our Province. The objections taken by my Honorable friends Messrs. Nanjundiah and Venkatesiah do not seem to be tenable. It was said by them that the passing of this Act would dislocate business as if creditors can get on without there being debtors. They cannot allow their money to remain with them and get locked up. In regard to the settling of the rate of interest, it should be left to the discretion of courts and decided by them when the point arises for their consideration.

An idea was expressed that it is good to fix the rate of interest. If we go on considering the fixing of the rate I don't think this House will be able to settle this matter either to-day or in three more meetings to come. It is a very difficult matter, because there will be difference of opinion in regard to the rates of interest to be fixed in the contracts whether they are of usurious nature or not. The best thing would be to leave this matter to the courts to decide. I think that will be a very safe course to adopt. Fixing the rate is not only a difficult matter, but as has been suggested by previous speakers it will put the money lenders on their guard. They may hesitate to lend money. As it is the matter will be left is doubt. They may take their chance. Therefore it is not good to fix the rate.

With regard to the objections taken by two previous speakers I don't think they are tenable; the people are asking for this Act again and again both in the Representative Assembly and in the Legislative Council and they are very anxious about it; I am speaking from my own experience. I may be pardoned for saying that I have been working as a lawyer for a long time. Many other lawyers are of the same opinion; in fact there is a general opinion that it is high time for such a measure being passed in our Province, and there is not even one person who has objected. It is a great surprise to me that two of my learned friends Messrs. Venkatesiah and Nanjundiah for whom I have very high regard and who are practising for several years should not have made up their minds to see that this Act is introduced in the Mysore Province. Excepting those two gentlemen others have not objected to this Bill.

The idea is that the Bill should be passed into Law at once. In the first place it should be proposed for acceptance and after accepting the principle of the Bill we will go to the next stage.

In regard to the accepting of the principle of the Bill I accept it.

MR. MIR HAMZA HUSEIN.—My task in this matter is very easy. The objections raised by some of the members have, I think, been met by the supporters of this measure.

MR M. C. Rangiengar said, that the working of the Act in British India, may be watched before legislation is undertaken here. Even the best laws that may be framed will be evaded by various subterfuges. That is no reason why a good measure of this kind should be stopped and Government should not take action to give relief to the persons who are suffering a good deal on account of the levy of very exhorbitant rates of interest.

The principle of the Bill has been explained by Mr. Vijayadeva and I need not further explain it. The right to give relief to some extent has been accorded to the courts, but the question as to what rate of interest should be considered unconscionable has not been settled, with the result that the decisions of the High Courts are not uniform on the point. One High Court would allow 188 or even 200 per cent, another High Court would consider 100 per cent too high. Therefore there has been a conflict of decisions of the High Courts. In bringing forward this Regulation we are not introducing any new principle of law. We are introducing the principle of the Act which has been in force in British India for a long time and to which attention has not been paid here.

Mr. Abbas Khan proposed that there should be a penal provision made for preventing the interest being taken at a high rate; but I do not think that a provision of that kind can be introduced. Probably what he means is that when a man lends money at 24 or 50 % a penal provision should be made to prevent the lender from levying more than the interest that is reasonable; but such a penal provision will not be effective at all and it wlll not be possible to enforce a provision of that kind.

Mr. N. S. Nanjundiah deplored that the money market is very tight and if the measure is passed into Law, the people will greatly suffer in all probablity. But the Government of India passed the Bill in 1918, after the war. when the tightness of the market had begun and there is nothing to show that transactions have suffered on that account. On the whole, I think the measure is a good one and it does not require further consideration. I therefore commend the Bill for the acceptance of the House and request that it may be passed.

The motion was put to the vote and carried by a majority

MR. MIR. HAMZA HUSEIN.—SIR, in view of the insistent demand for this piece of legislation, it is considered desirable to pass the Bill at this sitting of the Council, so that the measure may be brought into operation as early as possible.

I accordingly beg to move that the rules of business be suspended and the Bill considered and passed.

MR. SHANKARANARAYANA RAO.—Sir, I beg to second the Motion. In doing so, I beg to make a few observations. There seems to be some difference of opinion among some of the members with regard to the passing of the Bill at one sitting of the House on the ground that it involves some very important questions for consideration. But in this connection we have to remember that the Bill which is now before the House is not a new one. The principles underlying this Bill were first enacted in England in 1900 as Money Lender's Act. On this is based the British Indian Usurious Loans Act of 1918. Prior to the passing of the Act of 1918 the only provision of law under which Civil Courts could deal with unconscionable rates of interest was Section 74 of the Indian Contract Act (read with Sec. 16 of that Act) and the Courts found themselves absolutely powerless to give relief in cases where care was taken to make it appear that the rate of interest was one which was agreed upon by the parties. But under the enactment proposed to be passed the court has powers where it has reason to believe that the interest is excessive and the transaction was substantially unfair, to give adequate relief to the defendant and for this purpose to reopen the transatction and to order the creditor, in a proper case, to repay sums received by him, in excess of what is actually due.

In the course of the debate it was stated that in Travancore there is a maximum of 12 per cent interest recognized by courts. I admit that it is so, and this was also the case in British India until the repeal of the Usury Laws.

With the permission of the House I should like to say a few words about the course of Legislation in this direction. In the days of Edward the Confessor it was penal to charge interest at all. Lending out money was forbidden and recovery of interest was considered to be a sin. Then during the days of Henry VIII a maximum rate of 10 per cent was fixed. During the reign of James I the rate was fixed at 8 per cent and this rate was further reduced to 6 per cent during the reign of Charles I and still later to 5 per cent during the reign of Queen Anne.

This state of affairs continued till 1854 when it was found that this came in the way of the free circulation of money and trade was prejudicially affected. The Usury Laws were therefore repealed. There was then a reaction and rates of interest began to go up with the result that the Money Lenders Act of 1900 was passed in England.

The Usurious Loans Act which is modelled on the Act of 1900 has been working very smoothly in India and though it cannot be said to supply a perfect remedy it has to a very great extent brought relief to the unfortunate debtor.

When the Statutory limit was 5 per cent in England, the corresponding limit in India was 12 per cent and this is the limit that is still being observed in Travancore.

The maximum limit was apparently removed as it was found to interfere with free transactions. Indeed it is in several cases more in the nature of a share of profits than interest on money advanced. It is therefore impracticable and unnecessary to fix any maximum limit. Such transactions generally take place by mutual consent and it is only where the burden is unbearable that cases come up before a Court of Law and the proposed Bill gives the necessary authority to the Court to investigate the matter and give relief.

I would therefore commend the Bill to this House for kind acceptance. Even supposing that it requires some improvement it is always open to this House to amend it in the light of the experience gained during its working in the coming years.

I therefore beg to second the motion.

MR. ABBAS KHAN.—Sir, I am also of the opinion that the Bill ought to be more effective, but considering the fact that the proposed Bill is evidently an improvement over the present Law, I am in favour of it.

MR. H. VENKATARAMAYYA.—Sir, I oppose the Bill on the ground that the usual procedure of passing the Bill through various formalities have not been adopted, but it has been rushed through without sufficient reasons. Suspension of the rules of business is generally urged on very extaordinary grounds and with very good reasons. But in the present case there does not seem to be any such urgency in having this measure passed in a single sitting. There is no doubt about the importance of the Bill, but that very fact also must induce the Government to give all possible consideration that is necessary. We cannot say that the Bill has immediately to be introduce because the non-introduction of this Bill would create a very great hardship to the people. I don't suppose that is the reason at all. I am also of opinion that the passing of this Bill will put the debtors in a more difficult position than they are at present. As a matter of principle I quite agree with the objects of the Bill. As a matter of principle also I wish to emphasise that the Bill should take its usual course according to the rules of business. Under these circumstances I beg to oppose the Bill being passed at a single sitting of this House thereby suspending the rules of business.

MR. G. PARAMASIVIAH.—Sir, this is a very good measure and I heartily support the same. Since most of the Hon'ble Members of this House admit the importance of the Bill and its principles it is inconceivable why it should be postponed. By the passing of this Bill the debtors would really got some relief, and therefore the sooner it is passed, the better. There is no reason why this Bill should be deferred simply because the Representative Assembly and the Legislative Council are going to be reconstituted under the Reforms. In the interest of the suffering debtors, I would certainly support the Bill being passed immediately.

MR. N. S. NANJUNDIAH.—Sir, I rise to oppose the motion. The Government Advocate has given a long account of the history of this Bill in England and India. He has carried us back to the period of Edward the Confessor to Queen Anne and traced its development up to the passing of the Bill in 1918, in British India. He has pointed out how money market became tight in England as a consequence of a similar measure, and how again the law had been repealed and how again it was reintroduced and finally became law in 1918, after the lapse of several decades. All these changes were experienced in British India and in England too, in the course of centuries. But now we are asked to feel all so many centuries' experience here in a day, nay in a few hours or even minutes, and enact the Bill into law in but one sitting of the Council. The whole of the Government Advocate's elaborate arguments support my contention that this piece of legislation ought to be passed after much deliberation and should not be rushed through in haste. Though the subject was urged by a member of this House in the Representative Assembly, the members of that House were not apprised of the drastic nature of the provisions of the Act, and I cannot believe that with eyes open and their minds directed to the provisions of this Bill the Assembly assented to the introduction of the passing of a Bill of this sort. The mere representation by a member or two does not go far to dispense with a calm and detailed examination of the Bill itself in this House. I as a member of this Honourable House very strongly feel the weight of the responsibility on my shoulders and I feel from the bottom of my heart that I will be failing in my duty if in the interests of the public whose cause I represent, I do not raise a strong protest against the passing of this unwholesome measure of legislation in such hot haste. I cannot possibly comprehend why we should depart from the usual course of procedure, namely referring to a select committee, publishing and considering its report, considering the amendments etc., in due course, etc., but suspend the rules of business or pass it into law with a stroke of the pen or a single word of the mouth. This is not an emergency measure, nor a finance measure, but a measure supposed to give relief to debtors when usurious transactions will be attempted to be enforced against a helpless but involved debtor. Quite recently the Dewan was pleased to announce the other day that all important Bills would be placed before the Representative Assembly for scrutiny and expression of views before being passed into law. This Bill is not an insignificant one and cannot be trifled with. Instead of placing this important Bill before that august body, we are endeavouring to rush it through in one sitting of ours. If as a matter of fact, Government in introducing this Bill and urging its being passed into law, believe that they are doing a service to the country and that they are giving effect to the expressed views of the Representative Assembly and are hopeful of their support I fail to see why they should now hesitate to place it before the very same Representative Assembly and obtain their definite opinion about the Bill. That large body which consists of people of different shades of thought, varied experience, and practical knowledge of things in the distant parts of the State will have the opportunity of discussing the effects of the Bill threadbare and this opportunity should not be denied to them. In fact we have not consulted the debtors themselves in this respect, and we have yet to see whether they themselves would and if so how they would appreciate a Bill of this sort, neither Government nor we need feel any compunction to place the Bill before the Assembly at its next sitting, and I am strongly of opinion that the passing of this Bill should be postponed, and I appeal to the Hon'ble members of this House, to rise to the occasion, feel with me the responsibilities we have, and vote for the postponement of the passing of the Bill to a sufficiently future date, and give the Representative Assembly members and the public a sufficient opportunity of placing their views before the Government. With these observations, I beg to oppose the motion for the suspension of the rules of business.

MR. RAMASWAMI CHETTY.—The measure is not only important but is also urgent. The Bill was circulated among the members and I dare say that every one of them has understood what is contained in it. There are four sections, the first is with regard to the definition of the term loan and how it has to be brought into use. This is a matter which gives relief to the debtor and enables the courts to reduce usurious rates of interest which the money lenders have been demanding and securing under the contract system. This measure which has been pending for a very long time past should be brought into force immediately. The principle of

the Bill has been accepted and it does not appear fair to postpone the passing of the same into law. Even the two gentlemen who opposed the motion sympathise with the debtors but they want that the passing of the Bill should be postponed till the Reformed Councils are formed. I do not see any reason to wait till then. Let the credit of passing such a Bill go to this Council alone. We are no strangers to this Council and many Bills of the kind were passed into law and we are quite competent to deal with such matters. It is said that the local conditions of the country do not admit of such a Bill being passed. The local conditions of our country are in no way dissimilar to those of the adjacent territory namely British India where a Regulation of this kind has been passed. This motion was first brought before the Representative Assembly and then it was being pressed in this Council again and again. This is not a measure which was considered only once. This is a long standing grievance which does not admit of further postponement. Much difficulty will be felt if the passing of the Bill is postponed *i.e.* the rush of suits in Civil Courts will be too great as the money lenders will be eager to get the higher rates of interest they have already secured. It will take time for the Reformed Councils to form. The Reforms have to be first sanctioned, the public opinion has to be invited upon it and elections will have to take place. After the Reformed Councils are formed the measure has to be first placed before the Representative Assembly and then before this House and afterwards the Government also will have to consider. All these would mean time. The members who opposed the motion have not made a strong case for the postponement of the same. I therefore agree with the Government Advocate who supported the motion. I am for the passing of the Bill into law at once. There is no difficulty about it.

MR. ABDUR RAHMON.—This is not the first time that such a discussion has taken place in this Council. When the Income-tax Bill was introduced the same difficulty was experienced, but now the Regulation has been passed and it is working. At a time when a new Regulation comes into existence there are *pros* and *cons*. Either the people or the Government have to take the initiative. Either the debtor or the creditor will have to suffer a bit. If we take all this into consideration the Bill will never be passed. The Regulation in some way should be introduced. When the Regulation was passed in 1885 the rate of interest was fixed and hence the creditors began to stop lending money as the rate of interest was low. Now it is left to the judge to consider the condition and situation when the case is brought before him and the rate is to be settled by him. Thus there will be no such trouble or inconvenience experienced either by the creditor or the debtor as the judge will use his discretion in allowing a reasonable rate of interest. I support the Bill.

RAO SAHIB CHENNIAH.—I see no reason why the passing of the Bill should be postponed till after the coming into existence of the new Legislative Council and the Representative Assembly. This House is as competent as any other that may come into being hereafter to deal with a Bill of this kind. The introduction of an enactment of this sort has been urged for a long time both by this House and the Representative Assembly. It will give the courts some power to afford relief to the debtors, which they are unable to do at present. The Bill has been framed on the lines of the British Indian enactment and the conditions prevailing here are similar to those in British India. The Bill has been published for the information of the public and the formalities need not be gone through again. The principle involved in the Bill has been accepted and the postponement will not improve matters in any way. For the various reasons already mentioned I am in favour of the Bill and I support the passing of it.

DEWAN.—The motion before the House is that the rules of business be suspended and the Bill published under Rule 32 of the Rules of Business of this Council be considered and passed into law. I need only say a very few words before I put the motion to vote. This is not a measure in which Government are in any way directly interested. They are not very anxious to pass this measure in a hurry to secure some advantage either by way of revenue or by way of gaining any facilities for the administration of the country. I may also add that I have, during my recent tours in the malnad, come across the harassing difficulties which the poor and the needy in those districts, suffer, under the clutches of the money lenders from generation to generation. Government have also given an implied

promise to the people through their representatives that they would take up a legislation of this nature and all I can say therefore is that they are trying to fulfil their promise and seek your co-opration in passing this measure into law. Let the credit be to this House to pass a measure of this kind which is long overdue and which has been adopted in every civilised country.

The motion was then put to vote and carried by a large majority.

5. Bill to amend the Minor Tanks Restoration Regulation.

MR. K. R. SREENIVASA IYENGAR.—SIR, the object and scope of the proposed measure have been so fully explained by Rajamantra Pravina Dewan Bahadur Mr. P. Raghavendra Rao in his speech at the last session of the Assembly asking for leave to introduce the Bill that I consider it unnecessary to recapitulate them in detail. As this House is well aware it has been a long established and well-recognised custom in Mysore for the raiyats to contribute a portion of the cost of restoration of minor tanks. Till the year 1914 it was the practice for the raiyats to do the necessary earthwork to the tanks, the Government bearing the cost of the stone-work including revetment, sluice, wasteweir etc. As, under this arrangement, the ryots' liability was uncertain and did not bear any definite proportion to the total cost of the work and it often happened that the cost of the earthwork was so heavy as to throw an unduly large burden on the ryots, the Government issued orders in 1914 fixing the proportion of the contribution payable by the raiyats at one-third of the total cost of the estimate, the remaining two-thirds being borne by the Government. The payment of the contribution by the raiyats is, however, purely voluntary at present though under Regulation XIII of 1916, when the holders of not less than ⅔rd of the irrigated area under the tank agree to pay the contribution, such agreement is binding on the occupants of the remaining lands from whom it can be recovered as a compulsory levy. Since this arrangement came into force, almost all the tanks for which the raiyats readily and voluntarily came forward with their contributions have been taken up for restoration. There are still, however, many thousands of tanks left unrestored, and it has been the experience of Revenue Officers that it is exceedingly difficult, if not impossible, to secure voluntary contributions from the raiyats for their restoration. If we wait till the raiyats themselves come forward with the required contributions, the restoration of these tanks will have to be put off indefinitely; and such postponement will, owing to the steady deterioration of the tanks, be most undesirable in the interests of the Government as well as the raiyats. To make rapid progress with the restoration of these tanks it is necessary that some measure of compulsion should be adopted by which the customary liability of the raiyats to contribute to the work may be enforced instead of being left entirely to their will and pleasure. The Representative Assembly before which the question was placed has, in the circumstances, unanimously agreed to the compulsory recovery of the raiyats' contribution, provided it was reduced from one-third to one-fourth of the total cost. The Bill now placed before the Council is intended to give effect to this proposal and it is a matter for gratification to Government that this Council has given its general approval thereto by granting leave for its introduction at the last Session.

While the general principles of the Bill were agreed to certain suggestions were made by some of the Hon'ble Members of this House at the last session in respect of particular provisions. The most important of the suggestions were:—

(1) that no increase should be made in the raiyats' contribution on account of the revision of the estimates,

(2) that the contribution payable by the raiyats should not be unduly heavy, regard being had to the assessment under the tank and

(3) that suitable rules should be made for the selection of tanks for restoration so that it may not be left entirely in the hands of the Public Works Department.

As you will see from a perusal of the Bill now placed before you all these suggestions have been taken by Government into full consideration in preparing the Bill. In the first place the proposed Section 4, (2), of the Bill provides for the recovery from the ryots of one-fourth of the cost of only the first estimate as

published under Section 3 (1), so that they will not be liable, as they are under the existing rules, any additional payment on account of any increase in the estimate consequent on its revision. Secondly, it will also be observed that, where as under the existing rules no limit is placed on the amount of contribution payable by the raiyats in terms of the assessment, it is now proposed to fix the maximum amount of contribution leviable from the raiyats at eight times the assessment and water-rate on the irrigable lands under the tanks, so that any excess in the estimate over and above this limit will have to be entirely borne by the Government. Thirdly I may bring to your notice that while at present the contributions are ordinarily payable by the raiyats in advance before the work is sanctioned and in exceptional cases at the discretion of the Deputy Commissioner, as a loan recoverable with *interest* in not *more than five instalments* from *the date of sanction of the work*, section 4 (3) of the Bill provides for the recovery of the contribution in *every case* in not *less* than *five annual instalments* commencing from the *year after the completion.*

With regard to the suggestion (which was I believe made by Diwan Bahadur Mr. Puttanna Chetty) that the selection of tanks to be taken up for restoration should not be left to the arbitrary discretion of the Public Works Department and that the Revenue Officers of the local bodies as representing the interest of the raiyats concerned should have a voice in the matter, I would invite your reference to Section 5 (1) of the Bill which provides among other things for rules being made for the selection of tanks for restoration and I may assure you that in framing these rules every care will be taken to safeguard the interests of the raiyats in the selection of the tanks.

From what I have said above it will be evident that under the provisions of the Bill as now framed the raiyats will be much better off than at present in every respect,—*i.e.*, the amount of contribution payable by them, which is reduced from ⅓rd to ¼th, their liability to pay additional contribution on account of revision of the estimate, the date from which the recovery of the contribution is to commence; the period of its recovery which may be spread over 10 years; and these are substantial advantages which should more than compensate them for any little hardship or inconvenience they may feel on account of the compulsory nature of the levy of the contribution. The Bill while materially lightening the burden of the raiyats is expected to ensure rapid progress being made by Government in the restoration of minor tanks which is a matter of vital importance to the people and which has formed the subject of repreated representations and complaints by them. With these words, I beg to place the motion before the House with the hope that it will meet with its unanimous approval and consent.

The motion was seconded by Mr. S. Cadambi.

MR. K. P. PUTTANNA CHETTY.—I am glad to see that the suggestions at the last meeting of this Council have been taken seriously into consideration by His Highness' Government and the Bill has been revised setting aside all that was objectionable in the first draft. I should like to know whether the Bill as now drafted would be applicable to Inam villages also.

DEWAN.—That will require a Regulation. It will be considered with reference to the disposal of the Inam Commission Report. There is a report before the Government receiving active consideration of the recommendations made by the Inam Commission not only in regard to the restoration of tanks, but also in regard to other facilities.

MR. K. P. PUTTANNA CHETTY.—Although this is a measure of compulsion, the compulsion is solely intended for the benefit of the raiyats population. The provisions are not very stringent and I think the amount that will be charged as contribution will bear no interest.

DEWAN.—No interest will be charged.

MR. K. P. PUTTANNA CHETTY.—That also will be a concession though it is not provided for. It is a very good measure and I think one for which the raiyats population will be deeply grateful to Government. I heartily support the motion.

MR. ANANTHIAH SETTY.—Some of the provisions of the Bill are very advantageous. In the proposed Bill they have to pay only one-fourth of the total cost of restoration of the tank and for paying this amount the Bill provides payment by easy instalments. I therefore think that the raiyats will be glad to welcome this

Bill. But I see that no provision has been made in the Bill under which, the Deputy Commissioners can decide whether a tank is to be taken up for restoration or not after hearing the objections of the raiyats. In the absence of such a provision I think the decision of the Deputy Commissioner may sometimes be very arbitrary and it will work very hard on the raiyats.

DEWAN.—Objections are provided to be heard.

MR. K. R. SRINIVASIENGAR:—Objections will be heard by the Deputy Commissioner and the Deputy Commissioner's decision is appealable to the Revenue Commissioner.

MR. ANANTHIAH SETTY.—When the raiyats do not like to have their tank restored, the Deputy Commissioner may over rule their objections and the Government may take up the work against the wishes of the raiyats.

DEWAN.—The main provision is included in clause 3 of the draft Bill. It provides for objections being heard. It gives sufficient safeguards and there is also provision for rules being made in this behalf.

MR. K. R. SRINIVASIENGAR.—The Government will have to pay ¾ of the cost of construction, if not more and they are, therefore, not likely to sanction a work unless they are fully satisfied about its utility and necessity. But the raiyats' objections may be based on various grounds, and they may rest assured that if their objections are valid they will receive every consideration.

MR. ANANTHIAH SETTY.—The raiyats' consent should also be taken into consideration. Of course there should be no compulsion.

DEWAN.—The raiyats' wishes will certainly be taken into consideration.

MR. ANANTHIAH SETTY.—There is no provision in the Bill.

MR. K. R. SRINIVASIENGAR.—The selection of tanks to be taken up for restoration will be made in accordance with the rules to be issued by Government in this behalf and as such there will not be much difficulty. The local bodies will be consulted and the representations of the raiyats will be also considered in the matter of selecting tanks. If a particular tank is selected, people will be given notice as to the cost likely to be incurred thereon. If objections are raised by the raiyats, they will be heard by the Deputy Commissioner. Even if they are over ruled by the Deputy Commissioner, there is an appeal to the Revenue Commissioner. There need therefore be no fear at all that the interests of the raiyats will be ignored. Government are as much interested as the raiyats in seeing that the tanks are properly restored.

MR. ANANTHIAH SETTY.—There must be some provision in the Bill itself to safeguard the interests of raiyats.

DEWAN.—There is provision.

MR. ANANTHIAH SETTY.—If two-thirds of the holders of the land under tank do not want the restoration of a particular tank the work should not be taken up.

MR. K. R. SRINIVASIENGAR.—If the objection to restoration is based merely on the ground that they are not prepared to pay contribution, then Government may not be prepared to accept it. It will be noted that Government have made the burden on the raiyat very light. Moreover, the contribution will be spread over a number of years and collected with the assessment. As has already been explained the whole measure will be worked in the best interests of the raiyats, and Government do not anticipate any difficulty or opposition from the raiyats. It is with the unanimous consent of the Assembly who represent the raiyat population, that this motion has been brought forward.

MR. K. CHANDY.—There are tanks whose restoration the Government and the Public Works Department will consider necessary for the safety of the railway lines and roads. Raiyats may think that repairs of such tanks are unnecessary and it is only in such cases that the objections of raiyats will be over ruled by the Deputy Commissioner.

MR. K. R. SRINIVASIENGAR.—The Deputy Commissioner will receive all objections and will not over rule them unless there are very strong grounds.

The rules will make suitable provision for the Deputy Commissioner to receive applications in this behalf from the raiyats and decide which of the tanks

should be given preference. Preference will be given to tanks in respect of which raiyats readily come forward with money and desire to have their tanks taken up.

MR. ANANTHIAH SETTY.—The selection of tanks should rest with the raiyats themselves, because they know which tank is in need of repairs.

MR. K. R. SRINIVASIENGAR.—The raiyats' representations will also be considered.

MR. ANANTHIAH SETTY.—A rule to that effect may be embodied in the Bill. Then there will be no difficulty.

MR. PARAMASIVIAH.—I would suggest that the tanks for the restoration of which contributions have been already paid be taken up first and completed, necessary funds being provided for the same in the budget.

DEWAN.—Certainly. Every year some amount is set apart in the budget for the restoration of minor tanks.

MR. PARAMASIVIAH.—If two-thirds of the raiyats owning lands under a tank desire that a tank should be taken up for restoration it should be taken up and completed immediately.

DEWAN.—We cannot guarantee that Government will take it up that year alone.

MR. NANJUNDIAH.—I offer my thanks to Government for this piece of beneficial legislation which solves many difficulties regarding the restoration of minor tanks; and I am also glad that the suggestions made at the last meeting of the Council have been duly considered and substantially adopted in the published Bill. I should be very much obliged to Government if it should be made compulsory on the part of Government to take up the restoration of a tank whether the raiyats come forward with their quota of contribution or not and make adequate provision every year in the Annual Budgets for restoration. So long as that principle is adopted, it is immaterial whether the works suggested by my friend Mr. Vijayadeva are added to the section or not. What I urge is that tanks for the restoration of which villagers have paid their contribution in a lump sum should have preference over other tanks. If so, it will be a great relief and will result in substantial justice to deserving raiyats.

MR. ABBAS KHAN.—My friend says that all tanks in respect of which the people have paid their contribution in advance should be taken up for restoration. The final say in the matter should be left to Government as explained by the Hon'ble Member in charge because they pay ¾ of the sum required. Rules must be made by Government for the selection of tanks for restoration. Under the provisions of the Regulation one-fourth of the actual cost of the restoration of a tank is to be collected from raiyats not in advance, but in instalments varying from 5 to 10 years after the completion of the work. As Diwan Bahadur K. P. Puttanna Chetty has said this concession has been a great benefit to the raiyats. For this reason I am not in favour of making any amendment.

MR. RAMASWAMI CHETTY.—The main point that arises for consideration in this connection has been lost sight of. What is it that is urging the Government to bring forward a measure of this kind? Several tanks have deteriorated and their repairs have been neglected for a long time with the result that the raiyats are put to much difficulty. The state of affairs is due to the voluntary system under which the repairs to the tank are executed. The object of the proposed Regulation is to remove this defect and make it compulsory on the part of the raiyats to restore minor tanks in their villages. My friend Mr. Vijayadeva would restrict the execution of repairs to tanks to the wishes of the raiyats. I fail to see the use of such a condition. His amendment is to leave the initiative to the people, but this is not likely to command general support. It has frequently been represented before the Representative Assembly and before this House that the repairs to minor tanks in the State are not properly attended to. Government would be ready to undertake the restoration of such tanks where the raiyats have paid their share of contribution. That is sufficient. The Bill is all right in every respect and it may be passed.

DEWAN.—The motion before the House is to introduce the measure to amend the Minor Tank Restoration Regulation of 1916. In the light of the discussions that took place, important modifications have been made in the draft Bill and I do

not wish to say very much more than this. In actual practice the Minor Tank Restoration Regulation of 1916 has not produced any beneficial results to the raiyats. The voluntary system under which the contributions are levied and the fact that two-thirds of the raiyats have to agree to bear a share of the cost of restoration, have all resulted in slow progress in the restoration of minor tanks. The paper that I have got before me, which was issued in 1919, contains the discussions during the past four years on the subject, giving the full history of the whole case from the early eighties. The amended Regulation is intended to improve the agriculture of the State. The various schemes that have been considered from time to time have not produced the results the Government had in view. After considerable discussion and free debate on the principles involved, they propose to lay down by statute that the contribution leviable from the raiyats should be made compulsory and fixed at a lower rate than that fixed under the old sytsem. It may perhaps be possible to show better progress and also have a regular programme of execution of these works from year to year. In these matters we have to look to a practical solution of existing difficulties, having the agricultural situation of the country in view. We have tried to meet the interests of the raiyats and as for committing Government to any definite scale of expenditure under the new scheme of restoration, I feel that the public should be satisfied with the assurance of Government to provide the necessary funds according to the circumstances prevailing from year to year. With these few words I put this motion to the vote.

The motion was put to vote and passed.

6. Bill further to amend the Mysore University Regulation 1916.

MR. MIR HAMZA HUSEIN.—Sir, while asking for leave to introduce the Bill further to amend the Mysore University Regulation, 1916, at the last meeting of the Legislative Council, I explained the object and scope of the measure. The Bill has since been published in the Gazette and copies have, I believe, been furnished to the members.

The Bill is a simple one and contemplates the insertion of an additional proviso to Section 10 of the Regulation, providing for a separate representation to a Faculty in cases in which the Dean of the Faculty happens to be an *ex-officio* member of the University Council in any other capacity.

With these remarks I beg to move that the Bill further to amend the Mysore University Regulation be read in Council.

MR. K. MATTHAN.—Sir, I beg to second the motion.

The motion was put to vote and passed.

MR. MIR HAMZA HUSEIN.—Sir, As the University authorities want the measure to be brought into force at an early date, it is proposed to pass the Bill at this sitting of the Council. I accordingly beg to move that the rules of business be suspended and the Bill considered and passed.

MR. K MATTHAN.—Sir, I beg to second the motion.

MR. N. S. NANJUNDIAH.—I would like to suggest an amendment. I suggest that the word "non-official" be added in the Bill.

DEWAN.—What is the point, will you please explain?

MR. N. S. NANJUNDIAH.—The object is, instead of having both offices combined in one individual we may have two individuals. That is the reason why this Bill is introduced. My meaning is that the faculty which seeks representation in University Council should elect from among its members a representative who should be not an official but a non-official member.

MR. M. SHAMA RAO.—As far as University is concerned, I do not think there is any distinction between officials and non-officials as they meet on a common platform.

MR. PARAMASIVIAH.—As far as University education is concerned official and non-official are the same.

MR. RANGA IYENGAR.—In connection with the election of a member from the University to the Representative Assembly and the Legislative Council the distinction between officials and non-officials is maintained. At the last election the

official members were not allowed to elect. We should like to see that no difference exists between officials and non-officials.

The motion was put to vote and carried.

7. Bill to amend the Workman's Breach of Contract Act 1859.

MR. MIR HAMZA HUSEIN.—Sir, in presenting to the Council the report of the Select Committee on the Bill to amend the Workman's Breach of Contract Act 1859, I beg to say that leave to introduce the Bill was granted by the Council at the meeting held in March 1921. The Bill was read in Council on the 29th June 1921 and was referred to a Select Committee consisting of Rao Bahadur M. C. Ranga Iyengar, Mr. C. S. Balasundaram Iyer, Rao Saheb H. Channiah, Mr. H. Krishna Rao, Mr. K. Matthan, the Government Advocate and myself. The Select Committee met on the 5th November 1921 and examined the provisions of the Bill. Lt. Col. W. L. Crawford and Mr. C. Srinivasa Rao, who were invited to attend the meeting on behalf of the Planting Community, were also present. Certain amendments to the provisions of the Bill were suggested by the Select Committee, whose report was published in the Gazette in February 1922. After the publication of the Select Committee's report Mr. N. S. Nanjundiah sent certain amendments to the Bill as revised by the Committee and such of them as are pressed by him after discussion of the questions with me since, are now included in the agenda and will come up for consideration later.

I have already explained the provisions of the Bill in detail at the meeting of the Council held on 29th June 1921. The changes recommended by the Select Committee are :—

(i) to extend the period of limitation for the institution of complaints from 3 to 6 months.

(ii) to require contracts to be in writing in cases where the money advanced exceeds Rs. 15; and

(iii) to omit the proviso in clause 4A *re* the applicability of the Act to contracts entered into by women before the promulgation of this Bill.

In signing the Select Committee's report Mr. H. Krishna Rao has added a note stating that the period of limitation for the institution of complaints should not be increased to 6 months, as that would extend the danger zone of the labourer and take away the little freedom he has now got. He has also added that in view of the importance of the Bill it should be republished and further public opinion invited in the matter.

The Select Committee's report has been before the public for over a year and no criticisms or suggestions have been received except the amendments of Mr. Nanjundiah referred to already. The point raised by Mr. Krishna Rao was thoroughly discussed by the Select Commitee and the proposal to fix the time for institution of complaints at 6 monts from the date of refusal or neglect was accepted by the majority.

With these remarks I beg to move that the Select Committee's report and the Bill as amended by them may be taken into consideration.

The motion was seconded by Mr. K. Matthan.

MR. N. S. NANJUNDIAH.—I beg to propose an amendment as follows:—

1. (i) In clause 1 (2) (i) omit the word "and" after 'inserted', (ii) add a sub-clause (*a*) as follows.—

(*a*) after the word 'or' after the comma following the word 'perform' and before the words 'to get performed by any other etc', insert the words 'an advance of money not exceeding rupees one thousand on account of any work which he shall have contracted"; and (iii) Renumber sub-clause (b) as (c).

2. In section 2 (i) substituted by clause 2, after the words 'hundred rupees' add the words 'or one thousand rupees as the case may be'.

At present, under the Act, two classes of persons are dealt with. One is, the labourer who directly takes the advance and repays the same either by doing work

or by repaying the amount in cash. In this case, the advance is now limited to a maximum of Rs. 300. Under the old Regulation, there was no limit to the amount of advance. It is now in the new Act that a limit is so fixed. The other class is of mestries who contract to get work performed by getting a large number of coolies. In this case also the amount of advance is fixed at a maximum of Rs. 300 as in the case of individual labourers, without any distinction being maintained between the two classes of cases at all. As regards the individual labourer, there is no change needed, but as regards the mestries or other persons who contract to get work performed and therefore receive large advances, an amendment in the existing Bill is necessary.

The importance of securing sufficient labour on estates is too well-known and it has also been found by practice that the employer is not always able to deal directly with the labourers, but has to employ either a mestri or other person to supply him with labour, who also happens to be a workman and supplies labour in addition. The practice is that thousands of rupees are advanced to him. He goes down the ghats where he has got his own set of men and brings those people on the estate for work, and he directly advances money to them. Unless and until the employer advances large sums of money to the mestri and through him makes arrangements to get labour on an estate, it is practically impossible to carry on the work in the estates, as the local labour will not be sufficient. This is the experience of the people who live in the neighbourhood of large estates and it is a routine practice that people are imported from below the ghats through these sub-contractors or mestries. They are the persons who contract to get work done by a set of labourers and they get their commission also. If in their case, the advance is limited to Rs. 300 it practically becomes impossible to procure sufficient labour. Because, he is not himself a man with capital, he takes large advances and brings a large number of coolies. So, I would like to suggest that a distinction must be maintained in the Regulation between a labourer and a labour supplier, and the advance of Rs. 300 limited in the case of individual labourers. In their case, I am not even particular that the sum should be so high as Rs. 300; it may even be reduced. But as regards those who have to go out and get labour, the sum of Rs. 300 is not sufficient. It will not do even for distribution of wages to one set of labourers for a week or sometimes even for a day. My amendment is that this distinction may be maintained. I therefore suggest that the section might read as follows:—

> "An advance of money not exceeding Rs. 300 on account of any work which he shall have to perform or an advance not exceeding Rs. 1,000 on account of any work which he shall have contracted to get performed."

It is this distinction I would like to be adopted in the interest of good and uniform supply of labour. If at a particular time, sufficient labour is not forthcoming on the coffee estate, the owners will be doomed for the whole year. Since the limit of Rs. 300 operates to the prejudice of owners of estates, I submit for the acceptance of this House to make a distinction and extend the advance to at least Rs. 1,000 in the case of labour suppliers.

MR. ABBASKHAN.—May I know whether the middle man comes under the purview of this contract? I think the contract is between a labourer and his master. A owner deputes his agents to secure labourers and he does not come under the contract. He is only a paid or commission agent. I think the Bill is intended for contracts between master and servant. For a person who agrees to work for a specified period, the amount of advance is restricted to Rs. 300 and it cannot extend to the middle man who secures labour.

MR. N. S. NANJUNDIAH.—This has been recognised in a number of decisions under the Breach of Contract Act. I can invite attention to the ruling of the Chief Court, dealing with the provisions of the Act. There will not be any difficulty if the person comes within the purview of the Act.

MR. ABBASKHAN.—If it is the middle man, I do not think there can be any express or implied contract for the purpose of securing labourers. If it is intended that a man should be bound up to do a certain amount of work, that is a different thing. In the case of a middle man who is expected to supply a certain number of coolies and who fails to do so, Mr. Nanjundiah thinks that this Regulation must be put in operation against him. I do not think it extends to the middle man who

promises or undertakes to secure labour from the labouring districts. On this ground, I oppose the amendment.

MR. K. SHANKARANARAYANA RAO.—So far as the question raised by Mr. Abbas Khan is concerned, I believe the section itself has made the position very clear, apart from the decisions referred to by my friend Mr. Nanjundiah. The section as it already stands contains the words:—"on account of any work which he shall have contracted to perform or to get performed by any other artificer, workman or labourer" and the matter is not open to any doubt at all. As regards the question of enhancing the limit of Rs. 300 which has been recommended by the Select Committee to Rs. 1,000, I do not think that any good case has been made out for such enhancement. The sum of Rs. 300 has been fixed after very careful consideration. Mr. Crawford and Mr. Srinivasa Rao who represented the European and the Indian interests before the Committee were also consulted in this matter. The question appears to have also been discussed several times in the Representative Assembly, which has amongst its members some European and Indian Planters. The gist of the discussions in the Representative Assembly is that Rs. 300 is a very fair limit. The increase of this amount to Rs. 1,000 appears therefore to be very arbitrary. Nor do I see any reason why a distinction should be made between the advance given to individuals and to cooly mestries. It is better to have one uniform standard.

Even in British India, the sum fixed is Rs. 300 *vide* Act XII of 1920. There also various interests appear to have been consulted. There are tea, coffee and other industries which require a large amount of labour and yet the limit of advances fixed is only Rs. 300. The figure having thus been fixed after very careful consideration both here and in British India, no enhancement is desirable.

I beg, therefore, to oppose the amendment.

MR. N. S. NANJUNDIAH.—Sir, as regards the reason why a distinction should be drawn between individual labourers and a man of the sort I mentioned, I have to say a few words. I think it is obvious that a distinction must be made between an individual labourer and a multitude of labourers who are imported by or through another individual, who gets the work performed. If an advance of Rs. 1,000 is given to an individual labourer, it is impossible for him to work or to repay the sum. Even Rs. 300 considering his wages at Rs. 25 per month can be said to be much in the case of an individual. But in the case of a man who advances money to so many of the labourers who turn out the work, a large sum is very necessary. Therefore, that distinction has been deliberately maintained in my amendment and ought to be maintained.

It is true that in British India also Rs. 300 has been accepted in both the cases. But the honourable members of this House will have to bear in mind that the discussions at the time the Act was introduced in the Indian Legislature, go to show that there was a strong feeling that the Act itself should be repealed. Many of the members urged that the Act itself should be repealed as it was defective in several respects and encroached upon the liberty of the Indians as a civilised nation and that a criminal punishment for a civil breach of contract was most humiliating and indicated an utter disregard of the status of an Indian as a civilised being. It was replied that the question of repealing the Act would be taken up after consulting the Local Governments, and the House was asked to go one step in advance towards ameliorating the condition of Indian labourers and that that piece of Legislation need not be delayed, but passed, and that the Local Governments would be consulted about the repeal of the whole Act. So, the figure Rs. 300 was accepted only as a temporary measure, by way of compromise. This is how that objection was met with. The honourable members who have raised the opposition have all failed to meet the points that I urged, *viz.*, how it is that the employer can secure labour on a large scale, if such large advances are not permitted.

The Breach of Contract Act was introduced in 1859, immediately after the Mutiny and in a way legalised a sort of slavery, and therefore the Act is being critically examined when applying to cases coming under the Act. We are not going into those particulars at all now. If there is any measure which gives rise to slavery, I would be the foremost man to oppose the same. We are now proceeding with this Bill and considering the same and as such the matters must be made clear and a rational position adopted.

As regards the usual objection that British India has adopted Rs. 300, may I now ask why amendments have been introduced into the Bill, which we do not find in the British Indian Act in other respects? According to the British Indian Act, women labourers are not excluded from the operation of the Act; but our Bill has accepted such an amendment and gives exemption to women labourers. The next point is that, for agreements where the advance exceeds Rs. 15, the documents should be in writing as per the existing provisions here. This is not the case in British India. Again, in the British Indian Act, the period fixed for preferring a complaint for breach of contract, is three months; but we have fixed the period at six months. Why is this? These will all go to show that the analogy of British India is not always a sure ground, but often a treacherous one to rely upon. We have to take into consideration our local conditions. I would submit that none of the arguments made by the hon'ble members have solved this question, *viz.*, getting large labour through another man. In these circumstances, I would submit for the acceptance of this House the amendment suggested by me, with a view to avoid the practical difficulty that exists otherwise.

MR. MIR HAMZA HUSEIN.—Mr. Nanjundiah's proposition was before the Select Committee. It was carefully considered and was rejected. The Committee consisted not only of gentlemen with sound knowledge of business affairs, but also of coffee planters who employed large labour. Lt. Col. Crawford for the European planters and Mr. Srinivasa Rao for the Indian planters were invited to attend. The opinion of the Indian planter was for further reducing the limit of Rs. 300; the European planter who was employing large labour did not object to this limit.

The object of the Bill is to avoid perpetuating slavery as far as possible. Under the old Act, no limit was prescribed for the money that might be advanced and the labourer had to serve the planter or the employer for the money received. Now, to avoid this state of things, a maximum has been fixed and that at Rs. 300.

Mr. Nanjundiah wants to create a distinction between the labourer and the person who engages other persons for labour, and he wants in the case of the latter the limit to be raised to Rs. 1,000. What would be the result of it? The man who receives Rs. 1,000 will be a perpetual slave, as it will be difficult for him to discharge his obligations. So, it is going against the spirit of the Bill itself to accept the amendment of Mr. Nanjundiah. The man who will borrow the sum of Rs. 1,000 will have to serve perpetually his master. That is not the intention of the Bill.

The motion was put to vote and was lost.

The second amendment was withdrawn by the mover in view of the sense of the House regarding amendment No. 1.

Mr. N. S. Nanjundiah. Sir, I beg to move the following amendment:—

In clause 2, add another proviso as follows:—

"Provided also, that no complaint as regards non-compliance with an order under Section 2 (2) shall be entertained unless the complaint be brought within one month of the date allowed for the repayment of money or for performing the work or getting the same performed or within one month from the date of making default in complying with any such orders."

In respect of the breach of contract, when complaints had to be preferred for the fraudulent breach on the part of the labourer, till now there was no period of limitation within which complaints had to be made. In some cases where the employer demanded repayment of the money, according to the Limitation Act, the period of three years applied; but generally under the Breach of Contract Act, no period is fixed. In the new Bill that is under consideration, a period of limitation is fixed for preferring a complaint in the first instance, while in the original draft Bill a period of three months was fixed for such complaint for neglect of work on the part of the labourer, which he had contracted to perform, the Select Committee has extended that period to six months to give time to the labourer to return and do the work, and also to considering the conditions of the Malnad. What we find is, if the employer is to prefer a complaint in the first instance alleging that the advance has not been repaid or worked out, a limitation period of six months is

fixed. Next, if the labourer disobeys the order of the Magistrate directing him to work or repay the advance, there is disobedience which constitutes an offence, for which imprisonment should be awarded. In this respect, no limitation is provided at all in the present Bill. The order of the Magistrate directs a man either to repay the money or do the work according to the contract. Under the new Bill, certain period so as not to exceed one year, can be allowed by the Magistrate for payment of the sum or he may vary the instalment and thus give a great deal of latitude so that the work may be done or the money repaid. If, for instance, a labourer does not work according to the order, or if he works for sometime and goes away, or if he pays only a part of the advance and goes away, when is it that the employer who obtains an order in his favour to prefer a complaint for disobedience? These labourers come from different parts, and if an order is passed by a Magistrate, they sometimes work on the estate or go away repaying the advance. If feelings arise between two rival planters or one planter likes to have a labourer to work on his estate, nothing prevents the filing of a complaint before a Magistrate. The labourer may defend himself and say—"I have already worked according to the order passed by the Magistrate" or "I have repaid the advance or balance due by me". In both these cases, he will have to prove these allegations. Proof on the part of the labourer as against a planter is indeed not an easy task. On the other hand it is quite easy for the planter to prefer his complaint the moment there is neglect of duty on the part of labourer. If after the expiry of the period that may be allowed by the Magistrate the labourer does not work or repay the advance, nothing prevents the employer from lodging a complaint against the labourer and prosecute him for disobedience then and there without delay. So, in these circumstances, I urge that the House may be pleased to accept an amendment that, just as in the first instance, a period of six months is given to the employer to prefer a complaint, a period of limitation may be prescribed within which, for disobedience of the Magistrate's order, a complaint must be filed. I have proposed the period of limitation as one month, but I am not very particular about the period. If it is acceptable to the House, one month may be accepted. If the House is willing to alter the period, I shall accept any other period which they may be pleased to fix. There must any how be a period of limitation fixed for the employer to prefer a complaint for disobedience of the order of a Magistrate.

MR. D. VENKATESAIYA.—I beg to second the motion.

MR. G. PARAMASIVAIYA.—Sir, I oppose the acceptance of this amendment. After the expiry of the period of one or two months which may be fixed, the order of the court becomes inoperative thereby affording scope to the labourers to escape easily. I do not think it will give any relief at all to the employers; on the other hand it will only help the labourers to go out of the jurisdiction of the court until the expiry of the time which is now proposed to be fixed, and it would practically render the order of the court null and void.

(At this stage, Mr. K. Matthan pointed out that there is a certain amount of indefiniteness about this amendment and it was not clear where exactly the words which Mr. Nanjundiah wanted, were to be inserted, unless clause 2 (2) was changed into 2 (i). Mr. Nanjundiah agreed that it must be 2 (i).

MR. K. SHANKARANARAYANA RAO.—I am inclined to think that the proposed amendment will place both the employer and the unfortunate cooly at a very great disadvantage. One month is too short a period for the cooly to make arrangements for payment and there are other contingencies like the man falling ill. Though the Magistrate has power to extend the time, still, on receiving a complaint from the employer he is bound to take action and, unless good cause is shown, to sentence the labourer to imprisonment. It is therefore a great hardship to both sides to fix a time limit.

The proposed amendment is sure to lead to many practical difficulties and I therefore beg to oppose the motion.

MR. N. S. NANJUNDIAH.—The point raised by Mr. G. Paramasivaiya was that it becomes difficult if the labourer goes away outside the jurisdiction of the Court. If the labourer goes away, even outside the State, nothing prevents the lodging of the complaint in time. Even after the man does the work, the employer may say that he was not present and has gone away.

As regards the other point raised by the Government Advocate, I have to say that the Magistrate has got discretion to extend the time up to one year. The Magistrate may extend the time and he may vary the instalments and there is thus plenty of latitude. I therefore consider it desirable to have a limitation period of about one month, prescribed for the lodging of complaints in respect of disobedience of Magistrate's orders.

MR. MIR HAMZA HUSEIN.—Mr. Nanjundiah's arguments are made on the assumption that all the labourers in our State are local men. If they are local men, I could understand the reason why they should be given time to comply with the order of the Magistrate; but unfortunately it so happens that 90 per cent of our labour is got from outside and they have to come from Malabar. They are somehow brought here. Then, the discretion is given to the Magistrate to order the performance of the work or the payment of the money within a year from the date of the order. The Magistrate generally acts upon certain facts which the labourer will have to prove to the satisfaction of the Magistrate that he will be able to do the work or repay the money as it falls due. When once there has been disobedience of the order, it is not apparent why any time should be given to that man, or any limitation prescribed for the employer to take action. Generally the man absconds; he may go away to British India. The employer will be at a loss to find out the whereabouts of the man and the order of the Magistrate will not be carried out. It is for this reason that no amendment is deemed necessary.

The motion was put to vote and the amendment was lost.

Motion that the Bill as amended be passed was moved by the MR. MIR HUMZA HUSEIN and seconded by Mr. K. Matthan.

The motion was put to vote and passed.

8. The Cinematograph Bill.

MR. MIR HAMZA HUSEIN.—Sir, on the motion of my learned colleague, Rajamantrapravina Diwan Bahadur P. Raghavendra Rao, leave was granted to the introduction of the Cinematograph Bill at the meeting of the Council held on the 16th April 1923. It was read in Council at the meeting held on the 29th June last when it was considered unnecessary to refer the Bill to a Select Committee.

In the absence of my learned colleague the Bill has come to my charge, and I have nothing more to add to the elaborate explanation of the provisions of the Bill already given by him at the April meeting.

So I beg to move that the Cinematograph Bill be passed.

MR. K. MATTHAN.—Sir I beg to second the motion.

The motion was put to vote and carried.

9. Bill further to amend the Mysore Municipal Regulation, 1906 (Miscellaneous amendments).

Mr. MIR HAMZA HUSEIN.—Sir, leave was granted for the introduction of the Bill on the 22nd November 1920 and it was introduced into the Council by Rajamantrapravina Diwan Bahadur P. Raghavendra Rao on the 29th March 1921. The Bill was referred to a Select Committee and their report was presented by me to the Council at its last meeting. The House may remember that Mr. Abbas Khan proposed certain amendments to Sections 98A and 151A of the Bill and though his amendments were rejected, I promised to look into the matter and suggest suitable amendments at the 3rd stage of the Bill. Since then I have further considered the matter. It seems to me that there should be a provision in the Regulation for indemnity of the Muncipal Council in cases of wrong, payment of the mortgage amount. Again what if the municipality resumes the land but does not bring it to sale? No power has been given in the draft to compel the municipality to bring the property to sale. There are other minor defects in the Bill which need not be noticed here. To rectify these mistakes amendments of a substantial nature will have to be introduced and it is difficult to do so at this

stage. It is desirable therefore to withdraw the Bill and introduce a fresh one into the Legislative Council.

The Local Boards Conference has made certain suggestions which are now engaging the active consideration of the Government. If these suggestions are to be carried out, the Municipal Regulation will have to be amended. It is proposed therefore to introduce a consolidated Bill into the Legislative Council embodying therein many of the provisions of the draft Bill now under consideration.

With these observations I beg to move that leave be granted to withdraw the Bill further to amend the Mysore Municipal Regulation, under the provisions of Section 34 of the Rules of Business.

MR. K. MATTHAN.—Sir, I beg to second the motion.

MR. K. P. PUTTANNA CHETTY.—I think under the circumstances there is no alternative but to accept the proposal made by Government. It is a very difficult Bill. It interferes with the private rights of the people, and cannot be passed in a hurry. But it is some consolation that it will be brought up again after further deliberation.

The motion was put to vote and carried.

IV. RESOLUTIONS.

Resolution *re* resettlement of Seringapatam.

RAO BAHADUR M. C. RANGIENGAR.—I beg to move the following resolution.

"In view of the action taken by the Government in connection with the resettlement of assessment of 69 villages referred to in the Government Notification No. R. 5495, dated 28th June 1923, contrary to the letter and spirit of the standing orders on the subject, this Council recommends to Government :—

(*a*) That the resettlement covered by the said notification may be ordered to be cancelled ;

(*b*) That before a fresh settlement is ordered, the provisions of the standing orders published at pages 159 and 160 of the Revenue Manual, Vol. I, may be ordered to be strictly followed ;

(*c*) That instructions may be issued to the settlement officer limiting the percentage of increase to 20 per cent on individual holding ; and

(*d*) That in all future cases of resettlement an opportunity may be ordered to be given to the Representative Assembly and the Legislative Council for discussing the proposals for resettlement and for making reasonable suggestions and representations for the consideration of Government."

(The Dewan pointed out that sub-division (*d*) did not come as a corralory to (*a*), (*b*) and (*c*). It was a comprehensive subject and must be a separate resolution.)

I beg to move these in separate parts (*a*) and (*b*) together and (*c*) and (*d*) together.

At this late hour, I do not propose to occupy the time of the Council for very long. I shall contend myself with a few observations, leaving the matter for discussion by my friends. I move this resolution not in any spirit of carping criticism of the action taken by the Goverment but solely with the object of placing before the Government the real hardship which an important community in the State suffers under the order in question. The important interests of a community which comprise more than 75 per cent of the population of the State, are affected by this order, and their well-being and their prosperity are at stake.

The question of survey settlement is taken up by Government, and the survey settlement is introduced in the interests of the agricultural community themselves and not so much in the interest of Government, though incidentally Government derive advantages. The survey settlement was introduced into Seringapatam Taluk so far back as the year 1889. At that time, the conditions that prevailed in that area have been very graphically described by Col. Grant and published in the Survey records.

(At this stage, the Dewan said that it was necessary to ascertain in the first instance what was the subject matter for consideration in the House, and that under the existing procedure the settlement of the taluk was not taken up for consideration before the Legislative Council on the merits.)

With reference to (*a*) and (*b*), I beg to submit that the Survey Superintendent sent up his proposals on the 14th May 1923 and Government passed orders on 27th June 1923. That order was published as a notification on 28th June 1923 and it appeared in the *Mysore Gazette* on 5th July 1923. Now the Survey Superintendent himself having sent up proposals on the 14th May, there could not possibly have been two months' time before the close of the official year for the publication of the proposals in accordance with the standing orders on the subject.

(The Dewan wanted to know which standing order it was and the mover said that an order was issued in 1919 prescribing for the first time a preliminary notification and fixing 2 months' time for hearing objections.)

The manner of publication is also set forth in the order. The proposals of the Survey Superintendent should be sent to the Deputy Commissioner and also to the Revenue Commissioner. The Deputy Commissioner should cause publication in the village *Chavadies* (vide pages 159 and 160 of the Revenue Manual, Vol. I). That procedure could not possibly have been followed in this case; because the Survey Superintendent sent up proposals on the 14th May only. From the Government Order itself, I gather that the proposals went to the Deputy Commissioner, and it is said that the Deputy Commissioner has said nothing. Generally, the Deputy Commissioner stands in *loco parentis* to the raiyats, but in this case he seems to have accorded to the raiyats a step-motherly treatment. He has said nothing. The Revenue Commissioner has taken more interest and he recommends that he is of opinion that the rates for dry and garden lands are rather high,. But he accepts the rates for wet lands. What the raiyats themselves *i.e.*, the people that were directly concerned, had to say in the matter, what their grievances and representations are going to be, I submit, no opportunity was given to them to make their representations to Government through the Deputy Commissioner. Government has to order the settlement only after the receipt of representations from the raiyats and the remarks of the Deputy Commissioner and the Survey Superintendent. In this case, Government had not materials before it and it does not seem to have taken into consideration the economic condition of the people of these parts. From the order of Government, I can gather that Government is led away by two facts the rise in the value of paddy lands and also the rise in the price of paddy.

I am only pointing out to the Council that if the raiyats had been allowed to make representations, the full facts would have been placed before the Government. Since all the facts have not been placed before Government, Government have proceeded upon certain assumptions, without strictly following the rules, which were framed as a result of discussions in the Representative Assembly and not on the spur of the moment in a hurry. In the year 1918, a member of the Representative Assembly moved that the rule which obtains in Bombay might be introduced here also and opportunity given to the raiyats to make representations, and Government promised to consider the matter. In the year 1919, when the Representative Assembly again met, this subject was brought up, but it was said that the matter was under the active consideration of the Government and orders would soon issue. Thereupon the order of 1919 was issued. This rule has been framed not merely to be observed by the people. It is a rule which has been formulated for the guidance of the Government and its officers. Now in this case, the rules not having been conformed to, my submission to the Council is that the order of Government is defective, and the resettlement is liable to be cancelled. This is my submisssion with reference to (*a*) and also (*b*) of the resolution.

Now, with reference to (*c*), I have to bring to the notice of Government certain facts in connection with the resettlement. Before I proceed to place those facts before the Council, I should like to read an extract from a despatch from the Secretary of State for India to His Excellency the Governor of Bombay. This is quoted in Survey Settlement Manual, Vol. III, Bombay.

(*The Dewan* asked whether he referred to a general recommendation or one with regard to Seringapatam Taluk.)

The point for consideration is with reference to the Seringapatam Taluk, and the larger question will be considered along with this. The extract from the despatch referred to above is this:—

"I am unable to satisfy myself that there has been any tendency on the part of your Settlement Department towards undue enhancement of assessment on revision. It is impossible to lay down nor is it desirable for reasons which you have stated very clearly, that you should lay down any hard and fast rule limiting the extent of future enhancement; but I desire that Your Excellency will carefully watch and restrain that tendency, always bearing in mind that the worst effect of increasing the assessment of land revenue on an excessive scale is sure to produce material deterioration of agriculture and general prosperity."

It is in this spirit of sympathy with the agricultural classes in India that the Secretary of State for India wrote to the Governor of Bombay. I wish to read another extract from the resolution of the Government of India laying down the policy of land revenue:

(The mover here read an extract from the Government of India resolution.)

Even here, Government are in deepest sympathy with the agricultural class and very solicitous about their interest, as is clear not only from past record, but also from the several speeches that have been made by the Members of Government. It is therefore with very high hopes that I move resolution (c), that the resettlement enhancement should not exceed 20 per cent upon individual holdings. The raiyats population is peculiarly entitled to the syampathetic consideration of Government. Because, it will be observed that so far as agricultural classes are concerned, the favour of concession which has been shown to the people of other occupations has not been extended to them. In the case of income-tax, a sum of Rs. 200 per mensem is taken as living wage and has been exempted. And with reference to gratuitous medical help in the Government hospitals, a sum of Rs. 50 per mensem is taken as being the minimum income of a person who will not be entitled to gratuitous treatment. But in so far as agricultural classes are concerned, no limit is placed, and even a man having only one acre of land and getting a few bushels of grain is taxed, so that no man is free from taxation.

Compare the extent of taxes that are levied from agriculturists with the taxes that are levied from persons following other occupations. Income-tax, for instance, taking it at its highest figure *viz.*, one anna in the rupee works up to only 6¼ per cent upon the assets, whereas in the case of agriculturists we find that they are required to pay, upon one acre of land a sum ranging from 8 to 10 Rs. according to the last settlement. And according to the new settlement, they are required to pay Rs. 14-8-0 or Rs. 15 upon one acre of land. The income of an agriculturist from one acre is about 3 candies on an average, valued at Rs. 36. So he has to pay as Government taxes nearly one half of what he gets. With these figures before you, I wish to point out the effect of the settlement.

There are 69 villages which have been resurveyed. Of these, 2 are in the Krishnarajapet Taluk, 6 in the Mysore Taluk and the remaining 61 in the Seringapatam Taluk all under *nalas*. The original maximum limit was Rs. 4 per acre, but now the maximum limit has been raised to Rs. 15 and Rs. 14-8-0. At the first settlement the maximum had not been reached in any case at all. At the time of the original settlement, Col. Grant states in his report that the wages stood as follows, for males 4 annas per day and for females 2 annas. At the present time, what the wages are, I cannot gather from the order of the Government. I do not know if the Survey Superintendent has made any reference in this behalf. We know a female cooly is to be paid not less than 6 annas per day and a male cooly not less than 10 annas. Then, it is said in the order of Government that the value of paddy lands has risen enormously. It must be admitted that in some cases the value has risen enormously. The reason for the rise in the price is to be taken into account. Kannambadi anicut was built and thousands of acres of wet and garden lands were submerged. Consequently all those landowners had to purchase lands elsewhere. Therefore there was a great demand for lands in the neighbouring parts and on account of that the values went up. Another reason for the rise in the price of the paddy fields was, the price of paddy went very high and people who had enough of money to invest were willing to pay more and purchase paddy lands. Persons who had

no money to invest and who wanted to purchase the lands for the purpose of living could not go into the market and buy. It is only the people who had plenty of money and who looked upon the purchase of paddy lands as an investment, that paid high prices for some time. Since the cessation of the war, the prices have been going down. Therefore the rise of value in the paddy lands and the rise in the price of the paddy also were of a merely temporary character and they ought not to be taken into consideration while fixing the percentage of enhancement. What ought to be the consideration in the enhancement is the income of the raiyat in normal years, striking the average for 15 or 20 years and not his income in exceptional fruitful seasons.

In the Government order, reference is made to railways and other communications. As regards railway, there is only one railway which is newly constructed. The other was in existence before the original settlement. The Mysore-Arsikere line does not pass through the tracts covered by these 69 villages. Therefore that ought not to be taken into consideration while fixing the revenue.

From the order itself it is very clear that the place is sickly, that the population is going down and there is insufficiency of labour. All these facts are in the order itself. Then it is said that the price of paddy has risen very much and the price of ragi also and that justifies enhancement. In this connection I wish to submit for your consideration, sir, that a raiyat who grows paddy cannot live entirely on paddy. He must sell a portion of it for the purpose of paying taxes to Government. He must also sell a portion for the purpose of enabling him to buy salt, dal and other necessary things. He must sell a portion also for the purpose of engaging coolies and paying wages. He has to meet all such items of expenditure. Again, the price of cloth, the wages of coolies and the cost of agricultural implements have all gone up. Therefore he is no better off to-day tnan he was before the price of the padby began to rise. Whether the Survey Superintendent has considered all these facts or not, is for the Government to see. What is the result so far as the raiyats are concerned? We will find that there has been a rise by 40 per cent in all the villages excepting Belgola, where the rise is only 36½ per cent. In one village, *viz.*, Kirangur, the rise is 48½ per cent, in Nelamane it is 47¼ per cent. I am excluding from consideration the excess income which has been derived from lands unauthorisedly occupied to which you were pleased to refer. Deducting that, we will find that the increase in Kirangur is 48½ per cent, in Nelamane 47¼ per cent. In all the villages except Belgola, it is not less than 36 per cent. These are really enormous increases, and if resettlement means such an enormous increase, it means people will be ruined. At the next revision what will be the fate of the people if there is to be a similar revision?

We find from the Survey records of 1888-89 that Col. Grant recommended an increase of only 13 per cent. That 13 per cent included excess lands which were found within the holding of each raiyat. The unauthorised cultivation of excess land was 33 per cent in the case of wet lands and 50 per cent in the case of dry lands. These had been subjected to assessment under the *Maji system.* Under that system it was Rs. 4-8-2 for lands under tanks and for lands under channels it was Rs. 6-10-3. Taking account of the excess in the holding of each raiyat, the Survey Superintendent calculated that the increase should be 13 per cent, and he made recommendations accordingly. The then Dewan was of opinion that it should be more and fixed 22 per cent, and the Survey Superintendent very unwillingly gave effect to it, so that an increase of 22 per cent was sanctioned by Government then. That included, as I submitted already 33 per cent of wet land excess assessment and 50 per cent of dry land kandayam. I beg you to take a very humane view of the matter, a view which is calculated to promote the interests of the agricultural class, at the present day, when they are subjected to so many difficulties. It is not fair that there should be an increase of more than 20 per cent. Even then, it will be considered as a great hardship to the raiyats. Therefore I submit that instructions may be issued that the increase should not be more than 20 per cent upon individual holdings, so that the average for the whole area might be about 15 per cent.

As regards the last proposition (*d*), the general principle must be that in all cases of resettlement opportunity may be afforded to the Representative Assembly and the Legislative Council to discuss the matter.

In this connection I beg to submit for the consideration of the Council that the Government of India is considering the question of placing before the Legislative Council the principles embodying the question of resettlement in the form of an enactment. If that idea is taken up by the Mysore Government, there is no necessity to give effect to this resolution now. In the event of its being not taken up, the general principles of revision may be placed before the Legislative Council and the Representative Assembly for consideration.

MR. B. V. RAMASWAMY CHETTY.—I wish to second the proposition and also support it.

Sir, it is a well-known fact that India is mostly an agricultural country and the same thing holds good in the case of Mysore also. Formerly, there were, no doubt, many industries which have all deteriorated for reasons which are not necessary for me to state. Some of the industries are now being revived and when they will revive fully is a matter of time.

The subject of agriculture is a very important one to be considered, both in the interest of the people and the Government. We profess to be the representatives of the people, and it is our duty to bring forward their difficulties. The resolution of the learned mover should no doubt be seriously considered by this House. It may perhaps be the attitude of the official members, that because Government is subjected to financial stringency now, every possible ways and means must be found out to increase the finances. Of course, it is our interest to see that the financial condition of the State is improved, but the state of the people, the present condition and other circumstances should also be seriously taken into consideration. The recent levy of income-tax has no doubt enabled the Government to get financial support. Unlike the conditions in British India, a sum up to a limit of Rs. 2,400 which is the income of an individual is exempted from payment of the tax. In British India, the limit fixed for exemption of tax is only up to Rs. 1,000. The agriculturists who get small income are no doubt free from the payment of this tax.

The view of the mover is not unreasonable. Enhancement of assessment should only be up to a certain extent. That it should be inordinate and go as far as 50 per cent, will be very hard upon the raiyats. So, I think the resolution is to be viewed with favour and it deserves sympathetic consideration on the part of Government. I am very earnest about it and wish to give it all possible support. I have got my own experience in the matter. The raiyat is certainly contributing at present more towards the general revenues of the State than others and he should not be further burdened unnecessarily. There are other ways for the Government to get money, such as increasing the railway fare, etc. Fifty per cent of increase will certainly be a burden thrown on the raiyat and it will cause him great hardship. I support the resolution.

MR. K. P. PUTTANNA CHETTY.—Sir, I rise to support the motion made by my Hon'ble friend Mr. M. C. Rangiengar. In doing so, I should like to state a few facts as briefly as possible, because, we are not going into any elaborate discussion of the merits of the resettlement.

The point at issue is that the Government themselves have given the cause for complaint. If they had gone about the settlement in the way in which it ought to have been done, I think there would have been no need to move this resolution in this House. They have prescribed for themselves certain rules and regulations with regard to the settlement and those rules, as Mr. Rangiengar pointed out, have not been hastily drawn up, but have been the result of deliberations extending over years both in the Legislative Council and the Representative Assembly and based upon what obtains in the sister Presidency of Bombay upon which our own system of settlement is based. It is provided in the rules that the rates should be announced in the villages affected two months before they are finally passed and promulgated. That has not been done in the present case. At the budget session, I urged that the Government should speed up the settlement, but I had no idea that they would speed it up in this manner, with a vengeance. They should have taken time by the forelock and given a lot of time to the people to make representations and not introduced the new rates on the first day of the year in which they are to take effect.

The agriculturists are entitled to every consideration in this respect and I am sure the Government mean to show them the best consideration possible in these circumstances. It is unfortunate that the settlement should have been announced before the opportunity was given to the raiyats to make their case heard. I am not going to discuss the merits of the settlement; that is quite a different proposition. I feel confident that Government will give the raiyats concerned an opportunity to make the representation in the proper way. As the Government may be aware, a largely attended mass meeting was held at Seringapatam recently and resolutions were passed by the raiyats themselves which must have reached Government by this time. The complaint is that the resettlement was introduced without the prescribed safeguard and that the rates are excessive. I have some experience and knowledge of that taluk, because, I myself happen to possess some lands in it and I go there frequently, and have got some interest in the raiyats. I have no doubt that the rates now proposed to be levied are beyond the power of the raiyats to pay. If the circumstances are properly enquired into and all the data put forward before the Government in the light of the facts disclosed in the raiyats' meeting considered, Government will be able to come to a definite conclusion and see their way to grant the prayer of the landholders.

The increase of 40 to 50 per cent now ordered is very excessive considering the circumstances of the taluk. Now that Krishnarajasagara has got a large supply of water, tens of thousands of acres of new land have been brought under cultivation in that particular taluk, with the result that it is now difficult to find raiyats to cultivate those lands. There is also a great decrease in the raiyat population on account of plague. Such being the case, when the cultivating population is scarce and labour is scarcer, because, it is to be imported from outside, and labour rates have gone high, and the price of wet lands has fallen in sympathy with the fall in price of paddy, it is strange that the Survey Department have raised the rates to such an abnormal degree as 40 to 50 per cent. In individual cases, it might have been even more. I dare say that these matters will engage the attention of Government. What I submit is that the settlement which has now been introduced works a great hardship in the case of raiyats. It is therefore requested that the Government will kindly take the matter into serious consideration and reconsider the settlement in the light of the facts which will be placed before them by the deputation of raiyats which will shortly wait upon them.

As regards the larger question of bringing the revision of assessment before the Legislative Council, that is a matter which requires serious consideration and I do not think this is the proper time for its discussion. The question should be placed before the Legislative Council and the Representative Council and I dare say it will receive consideration in its own time by the new reformed council.

The immediate object of this resolution is to urge upon Government the reconsideration of the new rates of the channel lands in the light of the representations the raiyats will make and the various other factors which should determine the rates to be levied. The raiyats consider the new rates excessive and I for one consider them also excessive and beyond the capacity of the raiyats to pay. The price of lands has gone down. I can say this without fear of contradiction. The increase in the price of lands was only transitional and I am afraid the prices are going down still more. The price of paddy has also gone down and it is likely that it will go down still further. I shall indeed be glad if the price does go down, because it is so advantageous to the consumer. With all these facts before them, Government should be able to arrive at an equitable decision which while giving a fair increase of revenue will not bear heavily on the raiyat.

Sir, please contrast the settlement now made, with that of Col. Grant who, with his vast experience of the raiyats of this State and the conditions elsewhere and in the Madras Presidency, proposed an increase of only 13 per cent, at the last settlement but which had to be raised to 22 per cent by the Government of the day. It was only 30 years ago, now I do not see any reason why we should make a much larger increase than that which was made on the last occasion, *viz.*, 22 per cent.

I am sure the Government have got the interest of the raiyats at heart even more than any private citizen or body of citizens in the State; and in their eagerness to help the raiyats, I feel confident that they will view this resolution with

favour and adopt such measures as will give satisfaction to the raiyats who are seriously disturbed at the very large and oppressive rates that have been levied upon them.

DEWAN—GENTLEMEN,

I think it will help matters a little if, before I allow further discussion on the subject of this resolution, I am permitted by this House to make a statement. The resolution has been moved by my friend Rao Bahadur M. C. Ranga Iyengar with great ability and has also been supported by other members with equal ability. It involves really three points at issue and it constitutes in fact three separate resolutions which, under the rules of business of this House, one member is not ordinarily allowed to bring forward. Further, the first two parts of the resolution cannot strictly be considered as representing a matter of general public interest. It may, I think, legitimately be argued that it is a matter of local interest in the sense that it relates to 61 villages of the Seringapatam Taluk, 2 villages of the Krishnarajpete Taluk and 6 villages of the Mysore Taluk. However, irrespective of these, which I may describe as technical objections, Government have deemed it fit to allow the resolution to stand in the agenda in the form in which it has been submitted to them.

I am very glad to find that the opportunity of this meeting of the Legislative Council, which has been convened in so short an interval after the last one with the main object of passing some of the important legistative measures which would otherwise have been held up in view of the interregnum that will occur pending the reconstitution of this Council next year, has been availed of to give vent to what is felt at present as a grievance by the raiyats of these villages in which resettlement has been introduced with effect from the current official year. For, this opportunity enables Government to state the facts clearly which are otherwise likely to be misunderstood. The resettlement of the villages in question was due in 1919. It is a matter of common knowledge that these villages constitute the most valuable tracts of wet land in the whole State irrigated by the channels drawn directly from the river Cauveri. The order of Government sanctioning the resettlement of these villages was issued on the 27th of June last, that is, three days before the commencement of this official year from which the revised rates were ordered to be levied. The resettlement of this tract involved many difficult considerations and took longer time than was expected; otherwise, the order would have been passed two or three months earlier thus enabling the Settlement Department to conform to the procedure that has been laid down on pages 159 and 160 of the Mysore Revenue Manual, Volume I. This procedure which was introduced in 1919 affords only an additional opportunity to the raiyats holding lands under any common source of irrigation to prefer objections either individually or in a body to the grouping of their village or villages and the maximum rate or rates thereof. So far as I recollect, at least during my experience of the revenue adminstration of the State during the last four years since this new order was passed, this additional opportunity given of preferring objections before the introduction of settlement has not been of much practical use to the raiyats, for, the petitions received were, for the most part, too vague and general and Government could not find any reason or justification to modify the maximum rates or averages. So the rule is really a mere rule and has not worked in practice. Now, at the very outset, I must confess that Government sanctioned in the present case the resettlement rates for these villages dispensing with the preliminary notification, deliberately, for the simple reason that otherwise they would have had to lose the additional revenue due from these villages on account of the resettlement for another year, and this could not be justified in view of their present financial difficulties considering that the State has already lost such revenue for the three years for which the resettlement was overdue. Besides, the course adopted does not in any way prejudicially affect the interests of the raiyats as I shall presently show. In answer to the argument that the procedure was contrary to the departmental orders, I may give briefly the circumstances under which such an order came to be passed. If the Council will refer to page 162 of the Revenue Manual, Vol. I, it will be observed that it has been laid down distinctly by Government that "the issuing of a notification before the introduction of survey settlement calling for objections merely encourages the presentation of numerous petitions containing a great deal of irrelevant matter and erroneous statements of facts and conceptions about the proposed settlement, as the

raiyats gather no clear ideas from a preliminary notification as to how their holding would be individually affected. Appeals on broad grounds within a period of three months from the date of the introduction of any settlement may be allowed. This course enables the raiyat to know the exact position in which he stands and allows any representation made by him to be easily disposed of; it does not cause any material change in a settlement already introduced". I am quoting from the order itself.

This order was passed in 1905 and allowed appeals on particular grounds within three months from the date of the introduction of the settlement and this order which is wider in its application than the one of 1919 is still in force. The additional facilities that have been granted to the raiyats in the order of 1919 refer to objections regarding the maximum rates as also to the grouping of villages in the taluk prior to the sanctioning of the rates. Neither of these rules prescribed in the Revenue Manual have been issued under the Revenue Code and they have really no statutory force. Besides this, the exceptional circumstances of the moment justify a departure from the rule referred to, which has really given no great boon to the raiyats as past experience has shown. They appreciate the second order more than the first. Government do not consider that such a departure materially affects the privileges and the interests of the raiyats in the villages in question as they still have the opportunity of preferring objections now for which three months' time is allowed on particular grounds. I wish to point out that by the procedure followed in the present case which was deliberately adopted on the ground of financial necessity and the general interests of the State, the raiyats are in no worse position than they would have been if the order sanctioning the rates was issued three months prior to the date it was actually issued. Without going into the merits of resettlement, I may at once say that Government will be prepared to accept either from a body of raiyats or from individual raiyats, representations in regard to this resettlement and carefully consider all the objections that may be put forward not only in regard to matters which have been limited by the Standing Order referred to by me, *viz.*, the grouping of villages and the maximum rates, but also in regard to other matters outside of and inclusive of those provided in the order of 1905, under which they wish to make a representation; and I am ready to announce this additional concession in the present case in view of the special circumstances under which the resettlement was introduced.

In regard to Parts (*c*) and (*d*) of the Resolution, it is impossible for Government to accept them for the simple reason that they cannot commit themselves to any definite maximum limit of increase, nor do they consider it possible to give any direction to the Settlement Officer to fix his revised rates according to such a limit. The limits already fixed in regard to resettlements are those prescribed in Government Order No. R. 1645-54, dated 9th December 1903. These limits are as follows:—

1st—The increase of revenue in the case of a taluk or group of villages brought under the same maximum dry crop rate shall not exceed 33 *per cent.*

2nd—No increase exceeding 66 *per cent* shall be imposed on a single village without the circumstances of the case being specially reported for the orders of Government.

3rd—No increase exceeding 100 *per cent* shall, in like manner, be imposed on an individual holding.

The last part of the Resolution introduces a very general question of policy which may necessitate legislation and further raises the point of additional privileges to the constitutional bodies of the State. The only answer that suggests to my mind at present is that the discussions in the Representative Assembly or the Legislative Council on matters relating to the resettlement of villages would not, in the opinion of Government, serve any useful purpose. Such matters are not matters of legislation affecting the whole State and it is difficult to see how the local interests of the raiyats of a particular area, taluk or village which may be affected by the resettlement involving many technical and other considerations can be gone into in any detail by the members of these two Houses to enable them to submit reasonable suggestions and representations for the consideration of Government. They may make suggestions or representations of a general character which can only be embodied in the standing orders of Government for [illegible] of the officers of the Settlement Department. If the groups of raiyats [illegible]yats are given every facility to prefer objections and make

representations before the new rates are actually levied (and these are not going to be levied till next February or March), Government do not consider that any further opportunities are necessary and the procedure now suggested will only lead to further delays and discussions without any appreciable advantage. Moreover, in view of the impending constitutional developments, the question may very well lie over and be brought up again for consideration if necessary. There are many practical difficulties in accepting the proposition in the form in which the mover has worded it.

In the circumstances that I have explained in detail, I hope that the member who has moved the Resolution will see no reason now to press it or make any recommendation which may cause some embarrassment to Government. I earnestly appeal to the good sense of the non-official members to consider the case in its essential aspects noting the assurance of Government under which the interests of the raiyats concerned will in no way be prejudiced. On the other hand, they will be given the fullest opportunity to make their representations to Government, before the resettlement rates are actually enforced.

MR. M. C. RANGIENGAR.—I thank the President of the Council for the generous assurance given, that the raiyats will be allowed to represent their cases either individually or collectively, and I feel I ought to withdraw the proposition in the firm belief that Government will substantially modify the rates now fixed.

DEWAN—GENTLEMEN,

It is already a very late hour, but still I do not feel I will be doing my duty to this Council if I dissolved it without making a few remarks.

As I observed in another connection, this meeting of the Mysore Legislative Council, so soon after the last one, was necessitated by the reason that there would be an unavoidable interregnum between the expiry of the term of this Council and the commencement of the term of the newly constituted Council and that some of the measures that were taken up for consideration with the consent of the House for the suspension of the rules of business and passed at one sitting, could not be deferred till the next Council meeting owing to their importance and urgency. They were all of a non-controversial character and intended in most cases for the protection and furtherance of the interests of the people. The Government must express gratification that the formalities necessary to introduce constitutional changes will not now come in the way of the passing into law these beneficent measures.

This will be the last meeting of the Legislative Council as at present constituted and there will be no further meetings till the Legislative Council is reconstituted on the lines of the announcement made by me by command of His Highness the Maharaja last October. The term of the present Council commenced on the 17th of February 1920 and in the usual course should have expired on the 17th of February this year. By an emergent Regulation which operates only for a period of six months, the term was extended in view of the impending constitutional developments and the Council will therefore automatically cease to exist on the 17th of this month.

I may briefly narrate the various stages of development that are noticeable in the history of the Legislative Council of Mysore from the time it was first established in the year 1907. After considerable discussion during the years 1906 and 1907, when Mr. V. P. Madhava Rao was in charge of the administration and our friend, Diwan Bahadur K. P. Puttanna Chetty was one of his colleagues, the Mysore Legislative Council was established by Regulation I of 1907 with not less than 10 and not more than 15 as additional members to be nominated by Government and holding office for two years at a time, not less than 2/5ths of the additional members being non-officials. In 1908, two of the additional seats on the Council were thrown open for election by the Members of the Dasara Representative Assembly and it was not till 1914 that the number was increased to not less than 15 and not more than 21. Four seats instead of 2 were thrown open for election by the Members of the Representative Assembly and 4 seats for election by the 8 districts grouped into four electorates. In the same year, the privilege of discussing the budget and of interpellation accorded to the Legislative Council and in the next year power w members of the Legislative Council to ask supplementary ques

year after that *i.e.*, in 1916, the total number of questions that could be asked at a single sitting was raised from 12 to 20. The next stage was reached in 1917 when the term of the Council was extended to three years, and additional facilities were granted for the consideration of the budget proposals. In 1918, a Finance Committee for discussing the budget was constituted with a non-official member of the Legislative Council elected by them and the privilege to move and discuss resolutions relating to general public interests was conferred on the Council in the same year under the revised and amended Regulation VI of 1919. Later in the year, the maximum strength of the Council was increased to 30, with a larger proportion of non-officials which was raised to three-fifths, each district being allowed to return one member instead of groups of two districts and the University was also given the right of returning one member.

According to the announcement, the strength of the Council is now proposed to be increased and fixed at not less than 40 not more than 50 members, the number of members elected by the Representative Assembly is to be substantially increased, provision has to be made also for the representation of special interests such as Industries and Commerce, Planting, Educational and of minorities and the details were ordered to be worked out by a Committee appointed for the purpose. The recommendations of the Committee have been before the public and are now under the careful consideration of the Government. I will not, on this occasion, attempt to anticipate the final decision in regard to this important matter which would be announced very shortly. It is sufficient for me to indicate with reference to the evolution that has taken place in the constitution of the Legislative Council in Mysore, that the further advance that is now contemplated and the abundant scope that will in future be afforded by Government for the association with them of non-official gentlemen qualified by practical experience of local conditions and requirements in the work of legislation in particular and public administration in general, should rouse in the minds of all people of sober and moderate views, the liveliest anticipations.

The question of the relative position in the constitution of Mysore of the Legislative Council as well as of the Representative Assembly, which is an older body, is not only delicate but also an important one; for, at the time of the establishment of this Council, opinions were held in responsible quarters that the Legislative Council should only be purely a legislative body, and any powers by way of interpellations were unnecessary in Mysore, as this function was efficiently discharged by the Representative Assembly. Both these Houses have developed since 1907 in rapid strides, and each, in its own respective sphere, gradually extended, has shown noticeable aptitude and fitness for the functions that have been assigned to it by His Highness the Maharaja. The progress achieved is by no means to be characterised as disappointing. On the other hand, those who are intimately acquainted with the administration of the Mysore State and its purely constitutional character, the broader education of her people, and the general outlook that has been created by the educative value of the political institutions that have been vouchsafed to them by their enlightened ruler, need have no hesitation in declaring that the achievements in the direction of constitutional progress in Mysore are worthy of being recorded in her history as being substantial and solid in their foundations. It is this fact alone that has justified the policy of introducing further developments. The future Legislative Council will, according to the revised scheme, have larger functions and heavier responsibilities thrown on their shoulders and one need have no fear or doubt that this responsibility will be discharged to the fullest extent, with ability and patriotism.

Before concluding, I wish to make special reference to the important work that the present Council has done during the past 3½ years, as I feel that a word of acknowledgment from me as head of the administration is due to it for the cordial support and hearty co-operation that the Government have received from this Council in respect of all important questions, and specially those affecting the State's finances during its term of life which really constitutes a very critical period in the Mysore administration.

The total number of legislative enactments that were considered by the Legislative Council during this period is 50, including those that have been disposed of to-day. Besides the amendment of many of the important Regulations, I am bound to mention the law relating to the transfer of economic work to Local

Bodies and the several Money Bills, the most important of which are those relating to the levy of Income-tax, enhanced Stamp Duties, Court Fees, and Amendment of the Village Court Regulation. The Regulation relating to the levy of Education Cess was also one of the most important measures that this Council heartily supported and passed and it was only recently that this Council also passed the important Regulation which provides for suits against Government.

I acknowledge most heartily and sincerely the support that this Council has afforded to Government in passing the Money Bills at a time when they were labouring under severe financial stress. Representatives of the people who have sat in this Council have shown by their support of these measures a wider outlook and a true realisation of their responsibilities; for, no measure relating to additional taxation is agreeable to the people or likely to render the non-official representatives, who support them, popular in the eyes of their electorate. During the period I have had the honour of being associated with this Council both as First Member as well as the Dewan-President, I have had occasion to acknowledge more than once, the moderation, ability, as well as the knowledge of details and insight that have been displayed by the non-official members in the discussions and debates that have taken place during this period. In spite of controversies and differences that must necessarily arise in every sphere of activity in the administration of the Government of a country, we have maintained a most cordial and friendly relationship between the official and non-official members of this House which is reflected in the general tone of public life throughout the State. I gratefully acknowledge the consideration that has been shown to me personally. Everything that has taken place in the past and all the experience that both the Government as well as the two constitutional assemblies have gained, lead but to one conclusion, that both the Government as well as the people at large may well look forward to the future with great hopes; and when the Legislative Council in Mysore next meets under the auspices of the new Reforms, and is enlarged both in strength as well as in its functions, no one need have any manner of doubt that it will be a source of additional strength, support as well as inspiration to the Government of His Highness the Maharaja.

RAJASABHABHUSHANA DEWAN BAHADUR K. P. PUTTANNA CHETTY, C.I.E.—SIR, I rise to perform the very pleasing task of acknowledging on behalf of the members of this Council the generous, appreciative terms in which you have spoken regarding their labours and achievements during the 3½ years of the term of the present Council. Your historical retrospect of the Council and its work is eloquent testimony to the wisdom and statesmanship of His Highness the Maharaja in bringing it into existence. Sir, the work that lies to the credit of this Council is not a mean record of its achievements. Many important measures of a far reaching character, some of them extending the bounds of popular liberties and rights and local Self-Government, have been passed. The Council has, in sympathy with financial stringency, gone as far as it could in responding to the Government's call for co-operation by improving the revenues and adding to its resources, the result of which is reflected in the State Budget passed at the last Session. Now that the term of this Council is about to expire, I should like to acknowledge publicly the sympathetic and conciliatory spirit shown by the Dewan and members of Government in meeting in every possible way the expressed wishes of the Council in matters where they could not see eye to eye with Government. On the whole the work of the Council has been marked by good sense, moderation and broad vision. One gratifying feature is worth mentioning, the harmonious and cordial relationship which has existed between the right and left wings, the official and non-official sections of the body. They have worked in unison, forgetting the thin partition that divides them and have never shown any antagonism or uncharitable feeling towards each other, a fact that is highly creditable to both.

Sir, as you reminded me in your farewell speech which was the swansong of this Council, I had the honour of sitting in this Council as its Vice-President when it was first inaugurated 17 years ago, and I have since sat continuously, only changing sides (laughter) from the Government *dais* to the not less honourable platform of the people's side. Being the oldest member of this important body I can claim the proved privilege of greatfully acknowledging your handsome reference to the work of this Council and in so doing, I may be permitted to convey respectfully the warmest thanks of this Council to you, Sir, as the Dewan-President and your

colleagues, for the unvarying courtesy, kindness, patience, and sympathy shown to us on all occasions as well as for the dignity and ability with which you have presided over our deliberations. We part from you with regret, but it is tempered with the reflection that though defunct, we are not dead and we are sustained by the hope that we shall with the suffrages of our countrymen return to our task reinvigorated after a seven months' holiday, with a higher status and greater responsibilities under the reformed constitution which is promised to be vouchsafed to us by our beloved sovereign, His Highness the Maharaja of Mysore. (Loud and prolonged applause.)

The Council was then dissolved.

APPENDIX.

(QUESTION 8.)

CENTRAL COLLEGE, BANGALORE.

Chemistry.

	Time-table hours.
Mr. F. L. Usher, Professor ...	18 plus general supervision.
,, M. G. Srinivasa Rao, Professor ...	17 plus do
,, C. Srikantia, Assistant Professor ...	16
,, B. Sanjeeva Rao, Demonstrator ...	17
,, M. Seshaiengar, Demonstrator ...	20
X. (New appointment) ...	12

Physics.

Mr. E. P. Metcalfe, Professor ...	9 plus general supervision, duties as principal, etc.
,, B. Venkatesachar, Professor ...	14 plus general supervision.
,, A. Venkata Rao Telang, Assistant Professor ...	18
,, N. Parameswaran, Demonstrator ...	15
,, C. K. Sundarachar, Lecturer ...	15
,, P. Srinivasa Rao, Demonstrator ...	15
X. (New appointment) about ...	10

Mathematics.

Mr. M. T. Naraniengar, Professor ...	12 plus general supervision.
,, V. Gopalaswami Iyengar, Assistant Professor ...	15
,, K. B. Madhava, Assistant Professor ...	17
,, M. Naraniengar, Demonstrator ...	14
X. (New appointment) ...	12

*Geology.**

Mr. P. Sampat Iyengar, Professor ...	11 plus general supervision.
,, L. Rama Rao, Lecturer ...	12

Zoology.

Mr. C. R. Narayana Rao, Professor ...	13 plus general supervision.
,, K. Karunakaran Nayar, Assistant Professor ...	15
,, B. Tirumalachar, Demonstrator ...	8

Botany.

Dr. M. A. Sampathkumaran, Professor ...	14 plus general supervision, duties as Warden.
Mr. L. Narayana Rao, Lecturer ...	11
,, K. Srinivasan, Demonstrator ...	16

English.

Mr. F. R. Sell, Professor ...	13 plus general supervision.
,, P. S. Annaji Rao, Asst. Professor ...	11
,, B. Nagesa Rao, Tutor ...	8
,, K. Devanathachar, Acting Tutor ...	8

* This department is without 2nd and 3rd B. Sc., Classes this year.

NOTE.—English work to be redistributed on appointment of additional men.

N.B.—This statement shows hours of work allotted to the members of the staff on the College time-tables and it does *not* include time spent on preparation and of experimental demonstrations, correction of note-books and of exercises, etc.

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Name	Designation	Total number of hours of work	Remarks
ENGLISH.			
Mr. A. B. Mackintosh ...	Professor of English ...	14	On leave— (last year's figures.)
„ J. C. Rollo ...	Do ...	14	
„ B. M. Srikantia ...	Do ..	14	
„ H. S. Nanjundiah ...	Assistant Professor ..	15	Temporarily till the return of Mr. Mackintosh.
HISTORY, ECONOMICS AND POLITICAL SCIENCE.			
Mr. N. S. Subba Rao ...	Principal and Professor of Economics.	10	Also about 2 hou[illegible] work a d[illegible] hours for se[illegible]
„ S. V. Venkateswara Aiyar.	Professor of History ..	10	
„ *S. V. Krishnaswamy Iyengar	Assistant Professor of History.	*13	*Also Warden o[illegible]
PHILOSOPHY.			
Mr. A. R. Wadia ..	Professor of Philosophy	12	Also President [illegible] Union.
„ A. S. Govindarajulu Mudaliar.	Assistant Professor of Philosophy.	10	
SANSKRIT.			
Mr. M. Hirianna ...	Professor of Sanskrit ..	14	
„ D. Sreenivasachar ...	Assistant Professor of Sanskrit.	15	
COMMERCE.			
Mr. H. V. Srikantiah ..	Assistant Professor of Commerce.	8	Temporary for 1923-24. There is only one class in Commerce.
„ A. V. Krishna Murty ...	Do ...	8	
KANNADA.			
Mr. B. Krishnappa ..	Assistant Professor of Kannada.	13	
PERSIAN.			
Mr. Aga Mahomed Abbas Shoostry.	Assistant Professor of Persian.	14	

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